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A PROGRAMME FOR THE PRESERVATION
OF BUILDINGS OF HISTORIC OR
ARCHITECTURAL VALUE IN ONTARIO

FINAL DRAFT

DEPARTMENT OF MUNICIPAL AFFAIRS



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by
SCOTT THOMPSON

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1. Introduction

1.1 The purpose of this report is to provide information on the work done during the period 1.1.1 to 1.1.2. The work has been carried out in the Department of Agriculture and Fisheries for Scotland, and the results are presented in this report.

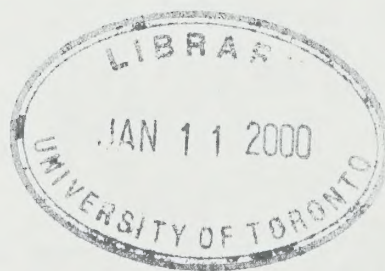


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1. INTRODUCTION

1.1 It would be unduly optimistic to assume that the need for conservation of our historic and architectural resources is as yet universally understood and accepted. However, it is outside the study terms of reference to present a full case for preservation but it seems valuable in this introduction to outline, and to attempt to rationalize, some aspects of the increasing public interest and concern for the subject that has encouraged recent municipal and provincial activity.

1.2 The reasons for this increasing concern are complex and difficult to analyze. Perhaps a basic reason in our rapidly changing and socially unstable times may be a deep-seated desire for stability, which results in an attempt to retain any tangible evidence of an earlier and more stable age. Although often derided as mere sentimentality, the conviction is growing that this is not just the expression of a superficial emotional response but the outward sign of a need for continuity and knowledge of our development, which is essential to a stable society.

1.3 Our democratic society is evolutionary in nature and, at least in theory, develops by reference to the values of the past and through conservation of the best of its received social and cultural traditions. The recorded history of such a society can be as important in moulding its present philosophies and actions as is the memory in motivating the individual. Historic structures are often the only tangible evidence available to us of the earlier sets of values upon which our present society is founded.

1.4 This somewhat philosophical basis for historic preservation is undoubtedly of less importance to the public than a number of specific and practical

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issues.

The preservation of historic buildings, many of which are uniquely Canadian in character, is a legitimate and valuable means of preserving our separate cultural identity. Another issue, closely linked with growing general concern at the erosion of our environment, is an increasing appreciation of aesthetic values that has led to demands for "beautification" of our urban areas, the reduction of ugly advertising, wire-scape and so on. Among our historic buildings are many that should be counted as outstanding works of art worthy of preservation in their own right but there are many others, indeed a majority, that are of outstanding value because of the aesthetic contribution they make as a part of our total environment.

1.5 Most of these social and cultural benefits are in fact realized through the educational value of historic preservation. The obvious educational value lies in an ability to give historic events greater meaning by describing them in the context of the actual remains of the surroundings in which they took place. Social history, and understanding of past and present social systems, gains from the student's knowledge of the actual conditions in which people lived and worked. Less tangible but equally important educational value lies in giving a sense of pride in a community, province or nation and the development of cultural values including the ability to make sound aesthetic judgments.

1.6 The loss of economic potential resulting from failure to develop historic resources is not easy to calculate. Examples from the United States, often in combination with urban renewal activity, indicate the positive economic benefits that may arise from historic preservation. Society Hill, Philadelphia, should suffice

to exemplify the benefit obtained through increased property values (and assessment) and the stimulation of trade over an area well beyond the originally defined historic district. In discussing economic benefits tourism—now one of Ontario's major growth industries — should not be overlooked. While the role of historic resources in attracting tourists at the present time can be over-emphasized there is undoubtedly great potential awaiting development. Once again the United States provides numerous examples of the attractive power of an imaginatively exploited historic resource.

1.7 If we as a society are convinced of the value of these and other social, cultural and economic effects of historic preservation then a cursory examination of our communities should provide ample evidence that urgent public action is necessary to safeguard this resource. In addition, such excellent books as Professor Arthurs' "Toronto, No Mean City" provide corroborating evidence of the losses that may occur through the neglect of our heritage.

1.8 This brief outline of some of the reasons for historic preservation serves only as an introduction. The study itself is concerned not with justifying preservation but with analysing the problems, investigating methods of dealing with them and putting forward a recommended programme for the Province of Ontario.

2. BACKGROUND TO THE STUDY

2.1 The last decade has seen a growing awareness on the part of all levels of government of the need, for both historic and aesthetic reasons, to conserve Ontario's architectural heritage. This has been primarily in response to increasing public concern which has become evident through the activities of preservation societies, Early Municipal Initiative ratepayers groups and individuals.

2.2 At the municipal level the City of Kingston has been outstanding in its persistent efforts to provide protection for its exceptional mid-nineteenth century limestone buildings.

2.3 In 1961 the city passed an architectural control by-law with the objective of regulating the demolition and alteration of buildings of historic or architectural value and also the design of certain new buildings. The by-law made provision for the establishment of a board of architectural review to carry out these functions.

2.4 In considering applications for demolition or alteration the board would be able to postpone work for up to sixty days. Within this period the board was to consult with various bodies and to make recommendations for preservation of the property to the city council.

2.5 The draft by-law was submitted for comment to the Department of Municipal Affairs. The department expressed the opinion that this by-law was not authorized by section 30(1)4 of The Planning Act.

2.6 Despite this setback a revised by-law was submitted to the Ontario Municipal Board early in 1962

and in December of the same year the board confirmed the Department's earlier opinion and declined to approve the by-law. A private bill to authorize the powers sought was considered but not proceeded with at the time.

2.7 The City of Toronto was successful in obtaining special preservation legislation in June of 1967 with the passage of the City of Toronto Act. Section 2 of the Act enables the city council to designate historic sites, including buildings and surrounding property, which are deemed appropriate for either historic or architectural reasons. The city may obtain the postponement of demolition on designated sites for up to sixty days.

2.8 In practise this legislation, applicable only to the limited area of the city, has been little utilized but it provides a precedent for further legislation in the field.

Provincial Initiative

2.9 The provincial government, also, in 1967, gave recognition to the importance of architectural conservation by passage of the Ontario Heritage Foundation Act.

2.10 The foundation's basic objective is to acquire legislation as set out in the and administer on behalf of the province property of architectural or historic value. Its functions are described in greater detail later in the report.

Recent developments

2.11 Pressing redevelopment problems in the City of Kingston prompted that municipality to reactivate its

preservation efforts in late 1969. In November 1969 the city Council passed a resolution requesting legislative authority to enable municipalities to take positive preservation action.

2.12 In particular Kingston suggested that municipalities should be able to designate both individual buildings and areas of historic value and should be capable of backing the designation by making grants or by purchasing or leasing buildings.

2.13 The resolution also asked the province to exercise similar powers in unorganized territories or where the municipality was unable for financial or other reasons to discharge its responsibilities.

2.14 In December 1969 the City of Windsor lent its support to Kingston by passing an identical resolution.

Kingston draft legislation

2.15 In view of the urgent problems being experienced by the City of Kingston the Minister of Municipal Affairs indicated that there would be no objection to special legislation for the city and a suggested draft was prepared by the City in April 1970.

2.16 The draft provided that council could, by by-law, designate buildings or groups of buildings as having architectural or historic value and regulate their alteration or prohibit demolition.

2.17 The owner was entitled to compensation (or in the case of prohibition of demolition, purchase) with the amount to be determined by negotiation or arbitration. If the municipality did not agree to the amount of compensation (or the purchase price) or did not institute

arbitration proceedings within 90 days from the notice then the owner could proceed with his original plans.

2.18 The draft also provided for historic and architectural area zoning, acquisition or lease of properties by the municipality and grants to owners for restoration and renovation or maintenance. The procedure for the adoption approval and amendment of historic area zoning by-laws was as provided in section 30 of The Planning Act.

2.19 Kingston City Council also drafted a proposed by-law pursuant to the bill. It provided for the establishment of a board of architectural review, to advise on designation and to make recommendations regarding alteration or demolition and the design of new buildings to be erected within historic areas.

Kingston legislation

2.20 In May 1970 the Minister of Municipal Affairs indicated his desire that the Kingston private bill should proceed as a public bill and, with a number of changes from the original draft, the City of Kingston Act was passed on the 25th of June.

2.21 The act enables the city to pass by-laws designating buildings or structures as being of historic or architectural value. The by-law may prohibit the demolition or alteration of such buildings and provide for their purchase, lease or otherwise and for the making of grants to the owners.

2.22 The by-law must be repealed by the council unless, within 90 days of its passing, the corporation has either entered into agreement for the purchase of the building or for the payment of compensation to the owner

or has expropriated the building.

Private Members Bills

2.23 of 1970
Two private members' bills introduced in the early summer indicated the continued interest of members of the legislature in this subject. Neither bill proceeded to second reading.

Provincial Study

2.24 The provincial government's continued concern at the wide-spread loss of individual buildings of merit and the damage to areas, or even whole communities, of architectural character or historic value was re-inforced by the municipal initiative of late 1969.

2.25 While deciding to support Kingston's efforts to deal with its special, but by no means unique, local problem it was determined that detailed studies should be carried out by the department of Municipal Affairs with a and historic view of identifying the problems of architectural conservation on a province-wide basis and taking suitable remedial measures. This report is the outcome of that decision.

3. TERMS OF REFERENCE

- 3.1 The terms of reference for the study were:
 - 3.1.1 To identify the nature and extent of the loss of, and damage to, historic and architecturally valuable buildings and groups of buildings occurring now, and to attempt to forecast what may occur in the future.
 - 3.1.2 To investigate the techniques of preservation and renewal including relevant legislation in use in jurisdictions in North America and elsewhere.
 - 3.1.3 To determine the applicability of such methods in the Canadian context and develop, if necessary, appropriate alternatives.
 - 3.1.4 To propose new, or changes to existing, legislation and any other action necessary to implement an effective preservation programme.

Methodology

- 3.2 The study has been carried out by a small team working within the Official Plans Section of the Community Planning Branch.
- 3.3 Work commenced in June 1970 and followed the following general programme.
 - 3.3.1 Preparation of bibliography and assembly and analysis of available written material

including government publications, newspaper and magazine reports etc.

- 3.3.2 Meetings, discussions and correspondence with municipal officials, organizations and individuals within the Province of Ontario.
- 3.3.3 Meetings, discussions, and correspondence with Federal Government officials, provincial officials in Quebec and New Brunswick, and Federal and Municipal officials in the United States.
- 3.3.4 Preparation of reports based on 3.3.2 and 3.3.3 above, working papers on selected subjects and first draft report.
- 3.3.5 Departmental circulation and discussion of first draft report
- 3.3.6 Preparation of final draft report.

4. HISTORICAL BACKGROUND

4.1 The significance of public involvement in an architectural conservation programme cannot fully be understood without some knowledge of the history of settlement, and hence of building, in the province.

4.2 The following resume can do no more than provide a superficial outline of the mainstream of growth and of the forces that maintained its impetus. It may, however, give some indication of the scope of the problem while at the same time illustrating the way in which our built up areas reflect the social and cultural history of the province and nation.

Early History

4.3 Prior to the American revolution the vast area that is now the province of Ontario was a rich and unexploited wilderness.

4.4 The scattered and semi-permanent settlements of the Indian nations provided the only substantial human imprint on the interior while European settlement was limited to a few trading post/forts or missions at strategic points on rivers or along the lakeshores.

4.5 The well-known reconstruction in recent years of Ste. Marie-among-the-Hurons at Midland is representative of the missions established by religious orders in the period that came to an end in 1650 with the destruction of the Huron nation.

4.6 By 1680 the Hudson's Bay Company had established trading post/forts in Moose Factory and Fort Albany while the north shore of Lake Ontario was commanded by Frontenac's fort at Cataraqui. The latter was the first of many such posts built on both sides of the lake as a result of fierce French-British rivalry in the fur trade.

4.7 By the mid-eighteenth century the French had established many additional posts in Ontario as far apart as the mouth of the Humber River (Magasin Royale 1720) and Fort Frances (Fort St. Pierre 1731).

The late 18th Century

4.8 Montcalm's defeat in Quebec followed closely by the revolution in the American colonies brought dramatic alteration in the established pattern of growth.

4.9 United Empire Loyalists, many of them veterans of military units, settled in large numbers along the St. Lawrence, in the Bay of Quinte area, the Niagara peninsula and on the Detroit River.

4.10 Cornwall, Brockville and Bath in eastern Ontario, were among many settlements established at this time while Cataraqui gained the name of Kingston in evidence of the sympathies of its new inhabitants.

4.11 In the southwest, Detroit remained in British hands until 1796 when, as a result of a treaty with the United States, many Loyalists crossed the river to resettle in the new community of Sandwich. Niagara-on-the-Lake and Queenston also trace their establishment to this era.

4.12 The displaced colonists were not only of British origin. Notably a large number of loyal Iroquois from New York State settled at this time in the Grand River area.

4.13 The settlement pattern produced by this wave of immigration was natural inasmuch as these areas were closest to the newly established, but not yet fully accepted border. The pattern was also strongly influenced by the only satisfactory transportation available, namely water.

4.14 The Loyalists immediate concern was for shelter, and wood being the material at hand, the first buildings were log dwellings.

4.15 There is good evidence, however, that many of the settlers were sophisticated persons who had known prosperity in their former homes and who looked upon the log house as a purely temporary expedient. As soon as they were able they rebuilt in the style that seemed to them the ultimate in sophistication, the American colonial or Georgian.

4.16 Relying partly on memory or pattern books ^{nonetheless} the design of these early buildings began to exhibit distinctly Canadian characteristics. During the 1790's Niagara-on-the-Lake enjoyed a short spell as capital of Upper Canada but its vulnerable situation hastened the search for a new site.

4.17 Despite ^{Lieutenant-Governor} Simcoe's plea for a location at the forks of the Thames, a site between the Humber and Don Rivers, with an excellent natural harbour, was selected and the new capital of York was established in 1793.

4.18 The decades before and after the turn of the century were a period of uneasy peace with the new nation

to the south and of hard struggle to become established on the virgin land. The few buildings that survive from this time reflect the tenacious yet cultured nature of the settlers.

The War of 1812

4.19 The war of 1812, although in itself largely inconclusive, marked the start of a new era in Upper Canada.

4.20 The communities most directly affected were York and Niagara-on-the-Lake both of which suffered destruction by burning and rapid and enthusiastic rebuilding to which, in the latter case, we owe a large part of the architecturally outstanding town we know today.

4.21 The real changes were, however, wrought by the ever increasing number of immigrants bringing with them new ideas and fashions from Europe.

The post-war period

4.22 Upper Canada was now a thriving colony and the architecture of the period faithfully echoes the feeling of the time.

4.23 Domestic design tended to be light-hearted, and occasionally flamboyant, and regional differences became apparent as a result of a new diversity of architectural inspiration.

4.24 Skilled artisans were now available to produce the most sophisticated work in the wide variety

of materials obtainable from local sources.

4.25 The "Loyalist" or Upper Canadian Georgian style was now joined by the imported neo-classic which can truly be called an international style.

4.26 Two of Toronto's oldest surviving buildings date from this period, the Grange (1820) which is now part of the Art Gallery of Ontario and Chief Justice Campbell's house on Duke Street (Adelaide St. E.). The latter, for so long neglected, is shortly to be removed to a more appropriate site. Although not untouched by the depredations of time, these are still elegant, and useful buildings.

4.27 The growth of new settlements was now proceeding rapidly in many parts of the colony. Men such as Dr. William "Tiger" Dunlop, John Galt and Colonel Thomas Talbot became famous for their efforts as individuals or in conjunction with land companies. These three are particularly remembered for their communities of Goderich, Guelph and St. Thomas respectively.

4.28 Water transport was no longer the main determinant of the place of settlement and new roads were being opened through the forest. Some along the older routes, notably the "Toronto portage" from Toronto to Georgian Bay, and many through virgin country.

4.29 The rebellion of 1837 and the unrest which accompanied it left no visible trace in the architecture of the day but MacKenzie's house on Bond Street in Toronto, although isolated from its former terraced companions, provides a tangible link with the man who inspired and led the revolt.

of a later date than the rebellion and

United Canada

4.30 The two Canadas were united in 1841 and Kingston enjoyed its brief moment of glory as the alternate capital of the colony.

4.31 The impressive Kingston City Hall and many fine houses and extensive fortifications were built in this period, in some cases with the expectation of a continuing role for the city as the seat of government.

4.32 The people of Kingston built soundly of the local limestone and as a result the city has today the largest single aggregation of fine buildings in the province, in little danger of structural decay unless by neglect or the threat of demolition.

The Mid-Century

4.33 By the mid-eighteen fifties railway construction mania gripped Ontario (now under its new name of Canada West) and the tentacles of the railroad strengthened existing patterns of growth while giving added impetus to the move northwards and inland from the lakes.

4.34 Romanticism was by now an established force in Ontario architecture. Sir Allan MacNab's Dundurn Castle at Hamilton (1835) was early in exhibiting romantic overtones to its basically classical design.

4.35 John Howard's Colborne Lodge in High Park Toronto (1836) is a well known example of a "regency" cottage of the same period. Howard is also credited with designing a summer cottage on Lake Simcoe, a form of dwelling which has since become a feature of Ontario life.

4.36 The romanticism of mid-century was paralleled by "Classical Revival", a style initially largely reserved for civic building in Canada but widely used for domestic buildings in the United States. Both United States and Canadian versions of this style were largely of British derivation.

4.37 The civic buildings in Kingston designed in this style by George Browne, an Irish architect, have been mentioned in an earlier paragraph and other examples of the style may be seen in the fine house "Willowbank" at Queenston (1834) and in the recently restored St. Lawrence Hall in Toronto (1850) by the architect William Thomas.

4.38 The 1840's and 1850's also saw the development of the Gothic revival. Many houses and "castles" were built in the secular form of this style, notable amongst them being "Trafalgar Castle" Whitby, while the religious form may be seen in the churches of nearly every Ontario community.

4.39 By mid-century the colony was well established and Ontarians were travelling widely in Europe and the States.

4.40 The "Grand Tour" was an important educational experience for the young of the wealthier classes and opened the way for the importation of such styles as the Greek Revival and Tuscan.

4.41 The resulting multiplicity of inspiration inevitably resulted in the eclecticism of the latter years of the century.

The new capital

4.42 In 1857 Bytown, on the Ottawa River, was selected by Queen Victoria as Canada's capital and the first Parliament buildings were erected in 1860 - 66.

4.43 The design for the parliament buildings was the result of a competition won by the Toronto firm of Fuller and Jones with their design in the "Civil Gothic" style. The disastrous fire of 1916 destroyed the majority of the group and the library is today the only remaining part of the original buildings.

4.44 At the time of construction of the Parliament buildings, Bytown was a small settlement and contained few buildings of note, an exception being Rideau Hall the, now much altered, residence of the Governor General, which was built in 1838.

4.45 Toronto at this time was recovering from the serious fire of 1849 and acquiring those institutions which are the mark of the established and important city, its cathedral, university, hospitals and jails.

Vernacular architecture

4.46 The nineteenth century should not be dismissed without reference to the strong vernacular tradition which developed in Ontario during this period and saw its optimum expression in the small, one and half storey, Ontario farm house.

4.47 The builders of these houses were skilled craftsmen and even the most basic structures frequently exhibited good proportions and detailing. Vernacular

adaptations of most of the styles previously described, together with distinct regional differences, produced a rich and varied architecture.

4.48 These buildings, stylistically as varied as the simple stone "Loyalist" house and the patterned brick "romantic" cottage with its exotic details, are, to quote Professor Adamson "The abiding image of the province".

Industrial building

4.49 Industrial and Commercial buildings as a group have, in the past, perhaps received less than their fair share of attention.

4.50 The stone mills of the province are often outstanding structures of simple but impressive character, but unfortunately many of them are already in ruins or an advanced stage of decay.

4.51 Well-known examples of early wooden mills exist in Coldwater, Orillia and Backhouse, Port Rowan. Farm buildings and barns are also often of considerable interest both aesthetically and structurally.

4.52 Unhappily few early industrial buildings have survived but of those that do the former warehouse of Gooderham and Worts in Toronto (1870) is one of the finest examples.

The later 19th Century

4.53 That great historic milestone of 1867, confederation, had little impact on the building styles

or settlement pattern of Ontario which continued to grow at an ever-increasing rate.

4.54 The closing years of the century saw great expansion of trade and commerce throughout the province and cities such as Toronto experienced the first examples of the commercial rebuilding which was to sweep away nearly all that remained of the Georgian past.

4.55 The architecture of the period was diverse in its eclecticism and often over-ornamented. To many people this is the ugly "Victorian" period and the worth of many of these buildings has only recently begun to be appreciated.

4.56 Many small and medium sized Ontario towns owe their unexceptional but aesthetically satisfying commercial centres to this era. Many of these downtown areas have been damaged by later unsympathetic advertising, alterations and "improvements".

4.57 By the close of the century Toronto had acquired such varied buildings as its solid, red stone, legislative buildings (1886) and City Hall (1890) and the exotic Bank of Montreal at Yonge and Front Streets (1885).

4.58 The design of both City Hall and the Temple Building at Richmond and Bay Streets was strongly influenced by the work of the American architect, H. H. Richardson, and the so-called Chicago school. The Temple Building (1895), one of the last tall office buildings to employ a cast iron frame, is, unfortunately, under the wrecker's hammer at the time of writing.

The 20th century

4.59 The new century at first brought little

architectural change to Ontario. The commercial boom continued and with it the diversity of architectural styles that had been apparent in the last decades of the nineteenth century. In the downtown areas of larger cities buildings were creeping steadily higher and the streets becoming the canyons we know today. Toronto suffered a disastrous fire in 1901 which destroyed a large part of today's downtown area.

4.60 The first middle class suburbs made their appearance and were served by a primitive transit system, while the affluent built their own suburbs which today are often the most sought after residential areas of our cities.

4.61 Once again the end of an era was approaching. That final fling of the romanticism of the nineteenth century, the nightmarish fantasy of Casa Loma Toronto (1911), represents in its architectural excesses the final decadence of the period which ended in the holocaust of the First World War.

4.62 The architectural history of the remainder of the twentieth century is too recent and well-known to need review. Much of value from the past has been lost or destroyed with, at times, what seems to have been careless abandon. The outstanding characteristic of the architecture of the last fifty years has, with notable exceptions, been its mediocrity.

4.63 Architecture continues to provide us with a true reflection of the social and cultural values and the aspirations of our society. Future generations may learn from our buildings and communities as much of the twentieth century as we can, now, of earlier centuries, from the legacy which has been left us.

5. THE NATURE AND EXTENT OF THE PROBLEM

NATURE OF THE PROBLEM

5.1 Stated in its simplest terms the problem with which this study is concerned is that of the continued loss of what we have chosen to call the "architectural heritage" of Ontario.

5.2 "Architectural heritage" is a deliberately vague term and in the context of this study it is intended to embrace not only individual buildings, or parts of such buildings, but also areas, districts and even complete communities which have aesthetic quality or historical associations giving them value in the eyes of society.

5.3 The nature of the problem is thus complex and includes a number of inter-related elements any of which may predominate in a particular situation. The elements of importance in terms of this study may be identified as

- 5.3.1 destruction of individual buildings
 identified as being of value
- 5.3.2 alteration or addition to the exterior of
 individual buildings identified as being
 of value
- 5.3.3 destruction or alteration of the interior of
 individual buildings identified as being of
 value
- 5.3.4 destruction or alteration of the immediate
 environment or setting of individual build-
 ings identified as being of value

5.3.5 destruction or alteration of all, or any part of, the environment in an area, district or complete community identified as being of value

5.4 It will be seen that the first three of these elements may be controlled by measures affecting the individual building while the remaining two involve the identification of an area and consequent establishment of wider measures.

Destruction of Individual buildings

5.5 Destruction of individual buildings may be by deliberate demolition or by gradual deterioration. The first usually takes place either because the building is obsolete or inefficient, and can not genuinely continue to serve a useful purpose, or because the site is economically under-utilized while occupied by the existing building.

5.6 Occasionally a building may be destroyed simply to be replaced by something more "modern" or in an approved corporate style.

5.7 Some destruction also occurs as the result of public action in rebuilding roads, providing access to car parks and other "improvements".

5.8 Gradual deterioration may also be the result of the deliberate intention of an owner. Many older buildings on the fringe of downtown areas, for instance, are utilized by businesses in search of low cost accommodation and with no wish to incur any maintenance expenditures.

5.9 In economically disadvantaged parts of the province, however, slow decay is the reflection of the

circumstances of owners who are unable to accept the, often considerable, costs involved in maintaining an older building.

Alteration of individual buildings

5.10 The need for alteration or addition usually arises from some degree of obsolescence in the older building. The need to adapt for a new use frequently requires alteration, a notable example being the insertion of shop fronts in former residential buildings. In some instances the owner may be inspired by the, usually misguided, desire to modernize.

5.11 Many older buildings are capable of being extensively adapted and altered without harm, if the work is handled with skill and sensitivity. The problem of harmful alteration is, therefore, in the majority of cases, the result of ignorance and lack of proper advice.

5.12 Alteration and damage to interior features is also too often the result of ignorance of their value and an inability to renovate or reconstruct with sufficient skill. It is, however, only rarely that such features would be considered of sufficient importance to warrant public preservation action.

Environmental damage

5.13 The final two elements of the problem result from both individual and community action on a number of levels.

Major Changes in urban structure

5.14 The first level involves major change in the physical structure of an area.

5.15 This may occur as the result of deliberate action to achieve community planning objectives or because of economic or social pressures. The planning objectives may well be related to problems originating outside the area in question.

5.16 Structural change may include alteration of the street pattern, the relationship of building groups or the relationship of buildings to open space. It may affect individual buildings in a number of ways, one of the most obvious being the case of a building originally designed to provide the architectural focal point of a street which no longer exists.

Inappropriate Uses

5.17 The second level involves the introduction of inappropriate uses into (or removal of acceptable uses from) the area.

5.18 From a purely land use planning point of view the newly introduced uses may be acceptable but at the same time may also be aesthetically incompatible with existing buildings or may damage historic associations.

5.19 Such changes of use may be the result of deliberate policy but are more often brought about by economic and social forces.

5.20 Many examples exist of residential neighbourhoods now altered to commercial or industrial use, sometimes with individual buildings of value remaining although in a quite inappropriate setting. Chief Justice Campbell's house in Duke Street (Adelaide Street East) Toronto is an excellent case in point.

5.21 Examples of the loss of appropriate uses are

provided by the many fine commercial streets in Ontario that are suffering decay because of the relocation of commercial activity to suburban plazas or malls.

Architectural incompatibility

5.22 At the third level the problem is one of architectural incompatibility arising from individual decisions to rebuild or alter buildings in an inappropriate manner.

5.23 The buildings altered may not be of any great merit in themselves but by reason of their scale, materials or detailing may provide a proper setting for others of value. Such individual decisions may also be damaging in an area which is architecturally valuable primarily as a result of consistency in its design elements.

Damage to townscape

5.24 The final level involves interference with any of the many elements which combine to form a satisfactory townscape. Among these may be included trees, street furniture, and treatment of horizontal surfaces.

Integration with planning process

5.25 The definition of these elements of the problem makes apparent the need for any conservation programme to be fully integrated with the planning process.

EXTENT OF THE PROBLEM

5.26 A clue to the geographical extent of the architectural conservation problem in Ontario may be found in the chapter of this study concerned with historical background.

5.27 It is apparent that as a general rule there is a tendency for society to place a higher value on artifacts which have survived for the longest period, regardless of their intrinsic quality. However much this attitude may be deplored by architects and historians, it exists, and should be recognized in the conservation programme.

Geo graphical distribution

5.28 Geographically, therefore, it may be expected that the areas with the highest concentration of buildings and districts of accepted value will be along the shores of Lake Ontario and in the south-western part of the Province.

5.29 It happens that these areas are also experiencing the full impact of the forces that cause the greatest destruction of older buildings.

5.30 This is not, of course, to say that other areas of the province do not possess significant numbers of architecturally or historically valuable buildings and it is important to recognize that in many, more recent, communities a building may be considered of high value while the same building might be justifiably ignored in an older settlement.

Buildings of local significance

5.31 It is for this reason that the study group feels that any conservation programme must contain provisions which will enable a local judgment to be made of the significance of buildings which have not been selected as being of provincial importance.

Estimate of losses

5.32 To determine in quantitative terms recent losses of individual buildings which would have been considered of provincial or local importance has proved to be a task which cannot be accomplished within the time limit of this study. To produce such an appraisal would require a separate survey of some magnitude and without this basis it is impossible to give an accurate estimate of future loss.

5.33 Some insight has been gained, however, into the numbers of buildings involved from published material and discussion with active preservation groups and individuals with an interest in the subject.

Estimate of numbers of buildings of value

5.34 It is a somewhat simpler matter to obtain estimates of the total numbers of buildings in the province which can be considered of value.

5.35 The old buildings of both the City of Toronto and the City of Kingston are well documented and in order to obtain a more comprehensive picture briefs were solicited from selected local preservation groups in other parts of the province. Four briefs were received and are

appended to this report. They cover the City of Hamilton, the City of Peterborough, the Town of Dundas and the southern part of the County of Lennox and Addington and contain valuable information on the problems arising in each of these widely differing areas.

5.36 The National Inventory of buildings of architectural and historic interest currently being compiled (see chapter 7) will ultimately contain some one hundred thousand buildings throughout Canada. A minimum of some ten to fifteen thousand of the total are likely to be in the province of Ontario. This inventory includes all buildings erected prior to 1880 in eastern Canada and prior to 1914 in the west without regard to their national or provincial importance.

5.37 A provincial inventory, based on a largely subjective evaluation, is currently nearing completion (see Chapter 8). With a cut off date of 1855 this inventory already contains over eight thousand buildings. As with the national inventory this is intended to include all buildings erected prior to the cut off date.

5.38 The study group estimates that an ultimate select list of buildings of national/provincial importance within Ontario would include no more than approximately fifteen hundred buildings.

5.39 An initial list based on currently available information might contain five hundred to seven hundred and fifty buildings. Of these an "informed guess" is that approximately 2% per annum would be threatened with demolition and about 20% per annum would suffer some alteration.

5.40 These figures could mean that on completion of the ultimate provincial list a conservation programme at the provincial level would need to be designed to cope with twenty to thirty proposed demolitions and three hundred alterations each year.

6. PRESERVATION IN OTHER JURISDICTIONS

6.1 In accordance with its terms of reference the study group has examined architectural conservation programmes in Europe and North America and members of the group visited a number of government bodies in Canada and the United States to obtain first hand knowledge of procedures in use.

EUROPE

6.2 European nations have generally recognized the cultural and economic value of architectural and historic conservation and a high degree of government involvement in building preservation is accepted in most countries.

6.3 In recognition of Canada's cultural background it seems appropriate to examine here in some detail the approach taken to preservation in France and Britain. Both countries have comprehensive programmes which were initiated in the early years of this century.

FRANCE

6.4 Preservation of buildings and areas of architectural and historical interest in France is almost exclusively the responsibility of the central government through the department of Architecture of the Ministry of Cultural Affairs.

6.5 The Ministry not only administers regulations directly concerned with preservation but is also involved in town planning at the local and regional levels.

6.6 A separate department of the same Ministry, the Excavations and Antiquities service, is primarily concerned with archeological remains.

Classification

6.7 The chief means of control is through the classification procedure under an Act of 1913 amended in 1966. Some ten thousand buildings are classified as historic monuments and are subject to a number of regulations which include:

6.7.1 no sale permitted without prior knowledge
of the Ministry of Cultural Affairs

6.7.2 repairs, alterations and demolition must be authorized by the Minister of Cultural Affairs

6.7.3 the Minister may order any necessary repairs or maintenance and carry out the work recovering the cost later. The State must contribute 50% of such work the cost of

6.7.4 adjoining buildings or lands within 500 meter radius of the classified building may also be classified as a "protective perimeter"

6.7.5 the state may expropriate the property if the owner is insolvent or the building is of outstanding national interest

Supplementary listing

6.8 A secondary means of control is provided

through listing in a supplementary category. Over fifteen thousand buildings are listed in this way and may not be altered without the prior knowledge of the Minister of Cultural Affairs. If the Minister is concerned that any proposed alteration may be detrimental he may act by initiating the classification procedure.

Expropriation

6.9 Expropriation in France may normally be only to obtain state ownership but in the case of historic buildings a special exception has been made to permit disposal to other public or private bodies subject to certain conditions and restrictions.

Area preservation

6.10 France has recognized the need to look beyond the individual building by permitting the classification of artistic or historic sites and by provision for "safe-guarded sectors". Aesthetic and historic sites include such as the Grand Canal Vista at Versailles and may be surrounded by a protective perimeter as in the case of individual buildings.

6.11 The "safe-guarded sectors" procedure applies to an entire district. A plan for the conservation and enhancement of the area is prepared by the Ministry. All changes within the area must be authorized and must conform to the provisions of the plan.

Town Planning

6.12 The legislation pertaining solely to preservation is re-inforced by the provisions of the Town planning

code which permit the imposition of architectural controls. Paris has long established special architectural control regulations.

Financial provisions

6.13 The central government allocates considerable sums of money annually for restoration of major architectural monuments in state or local ownership. It is also required by law to make a contribution of 50% toward repairs made to classified buildings and may make a 40% loan towards the maintenance of those in the supplementary category.

6.14 Tax relief is given to owners of historic buildings to a degree proportionate to expenditure on repairs or maintenance.

Advisory service

6.15 The Department of Architecture maintains a staff specifically for the purpose of providing guidance on matters affecting historic buildings. It also maintains a continuous revision of the classified and supplementary lists.

Summary

6.16 This highly centralized programme is administered through Branch offices of the Ministry located at the centres of regional and local governments. It appears to work satisfactorily in the context of a country which has a rich architectural and historic heritage and has always been keenly aware of the value and importance of its cultural background.

BRITAIN

6.17 Preservation in Britain is the joint responsibility of the central government and the local planning authorities.

6.18 At the central government level preservation activities are now concentrated in the Ministry of Housing and Local Government although until recently the Ministry of Public Buildings and Works was responsible for the management and maintenance of "historic monuments", generally archeological remains or major buildings such as castles. The Ministry of Housing and Local Government is also responsible for administering planning legislation.

6.19 and The Local Planning Authorities are the County and County Borough City Councils. In the case of the county councils some planning and preservation powers may be delegated by agreement to local councils. Local planning authorities generally have large professional planning staffs usually including specialists in the preservation field.

6.20 The essential powers for preservation are found in the Town and Country Planning Act 1962 and amending legislation up to and including the Act of 1968. The 1962 Act amended and expanded upon other legislation dating to the early part of the century.

6.21 Further powers are contained in the Civic Amenities Act 1967, the Local Authorities (Historic Buildings) Act 1962, The Ancient Monuments Acts 1913 and 1931 and the Historic Buildings and Ancient Monuments Act of 1953.

Listed Buildings

6.22 The basic tool for the preservation of

individual buildings is the statutory list of buildings of architectural and historic interest.

6.23 This list is compiled and amended on a county basis by teams of investigators from the Ministry of Housing and Local Government. There is no formal procedure for challenging the inclusion or exclusion of buildings from the list. Inclusion of a building on the list does not by itself entitle an owner to compensation.

6.24 The statutory list is based on a provisional inventory, which includes a grading system, but there is no bar to an ungraded building being included on the statutory list if a case is made for doing so.

Permission required

6.25 No person may alter or demolish a building on the statutory list without first obtaining permission to do so from the local planning authority. In the case of refusal to permit demolition the owner may be compensated by requiring the planning authority to purchase the building. The owner must first, however, prove that the building is of "no beneficial use" to him. In effect this means that the building must be incapable of use for any reasonable purpose. It is not sufficient that it is incapable of being used for a purpose that is acceptable to the owner for financial or other reasons. This is a well established procedure in relation to planning decisions.

Building Preservation Notice

6.26 A local planning authority may also protect a non-listed building by imposing a Building Preservation Notice.

6.27 The system in its present form was brought into effect by the 1968 Act. Previously inclusion on the list obligated the owner only to give six months' notice of pending demolition or alteration. The planning authority was able, within this period to make a Building Preservation Order.

Minister's powers

6.28 The Minister retains certain default powers which enable him to take the same action as the planning authority if, in his opinion, the authority fails to act properly. The decision of a local planning authority is subject to appeal to the Minister in the same manner as a planning decision.

The planning system

6.29 The planning system in force in Britain requires planning authorities to prepare primary plans known as structure plans which are subject to ministerial approval. The authority will also prepare more detailed Local Plans and Action Area plans. This hierarchy of plans is used as the basis for development control decisions and the issuance of planning permission. Architectural control is exercised as part of the general planning control by most authorities.

Area Preservation

6.30 These comprehensive plans may contain policies and provisions which will protect both individual buildings and areas of architectural and historic interest and the local preservation programme normally forms an integral part of the planning process.

6.31 Areas of value are given additional protection by the Civic Amenities Act 1967 which requires local planning authorities to designate areas of special architectural and historic interest as "conservation areas". Such areas are the subject of detailed planning study and, subsequently, special policies. The practical effect of this procedure is to strengthen the normal development control process in these areas.

Financial provisions

6.32 The local planning authority may back these provisions by financial aid granted under the Local Authorities (Historic Buildings) Act 1962. This Act provides that a local authority may by grant or loan, and interest free if the authority so wishes, contribute towards the cost of repairs or maintenance of buildings of architectural or historic interest.

Ancient Monuments

6.33 The Ancient Monuments Acts of 1913 and 1931 are largely concerned with preservation of archeological remains including very few buildings.

"Outstanding" buildings

6.34 The Historic Buildings and Ancient Monuments Act 1953 made provision for the classification of a building as being of outstanding architectural and historic interest. Such buildings are normally in the "stately homes" class and are already protected as listed buildings.

6.35 The "outstanding" category makes them eligible

for direct central government financial aid administered by the Historic Buildings Council.

Improvement Grants

6.36 A major, although indirect, contribution to the preservation of historic buildings has been made through the grants provisions of the Housing Acts. The "standard grant" is available as of right to all property owners where certain standard amenities are lacking.

6.37 Local housing authorities also make discretionary grants for improvements to property of up to 50% of the cost of improvements with a maximum of four hundred pounds. These grant provisions have been widely used particularly in older urban areas.

The National Trust

6.38 The National Trust of Great Britain fulfils a somewhat similar role to that of the Ontario Heritage Foundation and may accept gifts or bequests of buildings or of land, purchase buildings or land and accept buildings and land which have been handed over to the state in lieu of death duties.

The Private Sector

6.39 Other than through the wide spread efforts of individual owners and the "watchdog" function of local historic societies, the private sector does not play a significant positive role in building preservation in Great Britain.

UNITED STATES

6.40 Building preservation in the United States may involve all levels of government and places considerable importance on the role of the private sector.

Background

6.41 The private sector pioneered building preservation in the United States through the numerous patriotic societies that appeared in the latter half of the nineteenth century for the purpose of preserving buildings associated with important historic figures and events. As will be indicated later private initiative is still a vital element in the total United States preservation programme.

6.42 The first public action in the field came at the municipal level in ^{the} 1930's with the passing of historic district zoning ordinances in three important cities. Charleston, South Carolina, was the first to enact such regulations in 1931 followed by New Orleans (Vieux Carre District) and San Antonio.

6.43 The Federal Government also became active in the 1930's, initially with its preparation of the Historic American Buildings surveys (HABS) by the National Parks Service.

6.44 Because of the lack of any national comprehensive programme involving all levels of government and the variety of approaches which are in fact utilized it is most appropriate for the purposes of this study to outline the role of each government separately.

THE FEDERAL GOVERNMENT

6.45 Three major agencies are concerned with preservation at the national level. These are the Department of Housing and Urban Development (HUD), the Department of the Interior (National Parks Service) and the National Trust for Historic Preservation.

The National Trust

6.46 The National Trust is a non-governmental organization chartered by Congress in 1949 and dedicated to the preservation of significant buildings and sites. The Trust owns and administers a number of buildings and also fulfils an important function in collecting and disseminating information and in sponsoring improvements in the techniques and methods of preservation.

Housing and Urban Development Agency

6.47 The Demonstration Cities and Metropolitan Development Act of 1966 provides for preservation funding in several different ways under the auspices of HUD. Funds are available for historic preservation as an element of urban renewal programmes, for community surveys of historic structures and for 50% of the cost of acquiring and restoring sites and structures of architectural and historic value in urban areas. Grants may also be made for the acquisition and development of historic sites in connection with provision of Open Space.

6.48 HUD had previously been active in the preservation field through the use of its urban renewal programmes in arresting the decay of historic areas. One of the best examples is the College Hill Area in Providence,

Rhode Island, which was initiated by a 1959 study supported by a grant from the Urban Renewal administration.

Department of the Interior

6.49 The National Historic Preservation Act 1966 authorizes the Secretary of the Interior to make grants to states, municipalities and, in some cases, private organizations of up to 50% of the cost of acquiring or developing properties of historic significance. All applications must be in accordance with a comprehensive state-wide preservation plan which has received the approval of the Secretary of the Interior. After completion of the project the grantee must assume the total cost of maintenance and administration.

6.50 The stipulation requiring a state-wide plan as a prerequisite to funding has engendered considerable activity at the state level. In several cases, however, states have indicated that they consider the requirement too onerous despite provision in the act for federal grants of up to 50% of the cost of the survey and plan. The State preservation plan once approved must be taken into account when any works (including highways) are being carried out which are Federally funded or licensed.
The National Register

6.51 The findings of each state survey are entered in the National Register of properties meriting preservation. The Office of the National Register is located within the National Parks Service of the Department of the Interior and is comparable in function to the Historic Sites Branch of the Department of Northern Affairs in Ottawa.

Advisory Council on Historic Preservation

6.52 The National Historic Preservation Act also

established an Advisory Council on Historic Preservation which has the primary function of co-ordinating the preservation activities of all levels of government and of private institutions and individuals.

Summary

6.53 The provisions of the federal legislation, while concerned primarily with buildings of national significance, can therefore be seen to be fairly comprehensive. Federal programmes have, however, failed to achieve their full potential largely because of inadequate budgetary provision. HUD, for instance, has been able to obtain an appropriation of only one million dollars per annum for preservation purposes, which, on a national scale, is an insignificant sum.

THE STATE GOVERNMENTS

6.54 Traditionally there has been no consistent policy or attitude towards historic preservation by the state governments. National government funding requirements have aided in gradually changing the situation.

6.55 Central government funding is now predicated on a federally approved state preservation plan and the existence of an appropriate administrative and planning agency. There has been some reluctance to accept this responsibility but there is now developing a general recognition that historic preservation is a legitimate function of state government.

State Legislation

6.56 Besides the assumption of responsibility on the part of the states to preserve historic buildings

already in their ownership, there has recently been an effort to seek out significant historic properties (not worthy of preservation by national standards) for acquisition and preservation. In many cases legislation has been enacted to permit municipal governments to establish preservation programmes.

6.57 Some recent state legislation (e.g. New Mexico, California and Virginia) has placed the responsibility for policy innovation and administration of a state preservation programme on a specially appointed state agency. It is envisaged that such agencies will ultimately provide advisory assistance to municipal governments.

6.58 In those regions where the municipal administrative structure is inadequate federal funding policy requires a more active state involvement including acquisition and administration of historic properties and the establishment of historic district plans, architectural control and shared grant schemes.

THE MUNICIPAL GOVERNMENTS

6.59 Municipal Governments in the United States have utilized various techniques in their architectural and historic conservation programmes including historic district zoning, urban renewal, tax incentives and purchase of property. The Historic District Zoning Ordinance is of greatest interest in the context of this study.

Historic District Zoning

6.60 The first Historic District Zoning Ordinance (Charleston, South Carolina 1931) was adopted without the benefit of state enabling legislation and it was perhaps fortunate that the ordinance was never challenged in the courts. However, many states have now passed enabling legislation and subsequent court decisions have confirmed the legality of the procedure.

6.61 Early historic district zoning ordinances were designed to protect single homogeneous groups of buildings and involved planning controls on an area within which all structures were protected. This type of zoning cannot be used effectively to protect individual buildings not part of such a group and in areas where the actual buildings of value are more loosely related within groups of less important structures.

6.62 Developments in the technique during the last two decades have produced three distinct forms of historic districts zoning.

Protection for Individual Buildings

6.63 The first, designed to protect individual buildings, was introduced in Philadelphia in 1955 and has been used effectively in that city's Society Hill restoration project.

6.64 This type of zoning is known as a "floating ordinance" which attaches to conforming structures wherever situated and, in operation, is not dissimilar to the British system of "listing".

6.65 In Philadelphia the City's Historical commission is authorized to list and classify historic

buildings and must subsequently certify any proposal to alter or demolish the structure before a building permit may be issued.

6.66 Permits are issued by the Department of Licences and may be initially delayed sixty days while the certification of the Commission is sought. If the Commission objects to the proposal an order may be made postponing demolition for up to six months but only after the applicant has been given the opportunity to state his case before the Commission.

6.67 The postponement gives council an extended period in which to persuade the owner to reconsider, to find a purchaser or to take other preservation measures.

6.68 This procedure does not give control over the surroundings of the historic building but it may be used in conjunction with other types of historic district zoning in order to do so.

Protection of Areas

6.69 The second type of historic district zoning may be described as the "traditional" technique similar to that first used in Charleston in 1931.

6.70 This type of ordinance acts as a refinement of the regular zoning and applies additional restrictions and architectural controls in defined areas. This procedure is only effective in districts which are compact in the geographical sense and include a relatively homogeneous concentration of important buildings.

6.71 Architectural controls are normally administered by a specially created review board. The procedure followed in most cases is for the board to review ^{the} exterior design

of any proposal in the area and issue a "certificate of appropriateness", or other authorization, before a building permit may be issued.

6.72 The review board may also have the power to delay demolition of a structure. In the case of Charleston the board, under a revised zoning law, has recently been given the power to prohibit demolition.

Comprehensive Protection

6.73 The third technique has been developed in order to overcome the shortcomings of other methods in cities with fewer, or less concentrated, groups of historic structures, and where it is desirable therefore to retain greater flexibility in the control and policies to be applied.

6.74 Norfolk, Virginia provides an example of this type of zoning. The ordinance includes the basic framework of standards, general regulations and guide lines for Historic and Cultural (HC) Districts but does not establish the boundaries of the areas.

6.75 In Norfolk the planning commission prepares proposals to establish "HC" districts for adoption by the municipality. The commission may also recommend that the general provisions in the ordinance be amended for application to a particular "HC" district. With advice from the local Fine Arts Committee the commission also carries out the architectural review function in the defined areas.

6.76 The Norfolk ordinance is further refined by provisions for the creation of "HC" districts for individual structures, for the regulation of transitory areas around districts or structures, and for the creation of

"sub-areas" with different regulations from those applying over the larger defined district.

6.77 While no compensation is payable in the case of prevention of alteration so long as the ordinance is applied reasonably the prevention of demolition ultimately relies upon the ability of a public body to purchase the property. As with other zoning restrictions the applicant can challenge the reasonableness of a decision only through the municipal council or the courts.

6.78 Historic district zoning in one or other form is now an established and effective procedure. By 1965 fifty-one cities had defined historic districts and two state-created districts were also in existence. Both the latter, Nantucket and Beacon Hill Boston, were defined by the Commonwealth of Massachusetts.

TRANSFER OF DEVELOPMENT RIGHTS

6.79 A technique has been recently developed by the New York City Landmarks Preservation Commission to assist owners of historic buildings in realizing some of the development value of their land without destroying the building.

6.80 This technique involves the transfer of unused development rights (frequently referred to as "air rights") from the site occupied by the historic building to other land adjacent to, or in the vicinity of, the site. The owner may choose to utilize the development rights himself or to realize the development value of his land by selling the rights. The transfer once completed is irrevocable.

6.81 Owners wishing to take advantage of the technique must apply to the city planning commission for

a special permit. The application must be accompanied by a programme for continuing maintenance of the building and by the report of the Landmarks Commission.

6.82 Where development rights are being transferred to adjoining land the planning commission may apply appropriate conditions in order to minimize the adverse effects on the character of the area surrounding the historic building.

6.83 This technique is now being used in attempt to preserve Amster Yard and Grand Central Station in New York and is being contemplated in an attempt to save the Chicago Stock Exchange. It appears that this method can be extremely useful in areas of high development value and it may be the only means of preserving historic buildings in core areas where values are so high that owners, however well intentioned, cannot afford to preserve and compensation or purchase would be too expensive for any public body to contemplate.

Other Municipal Activity

6.84 Other municipal activity is usually in support of the measures described above. Tax incentives have been used in several cities, notably in the Vieux Carre district in New Orleans, but their success is difficult to determine because of the vagaries of state and local taxation systems.

6.85 Some municipalities have purchased property for public purposes but to an insignificant extent. Urban renewal, which was mentioned in the federal government section has assisted some preservation programmes (notably in Providence, Rhode Island) where proper coordination has been achieved between the two programmes. Finally the device of the "scenic easement" deserves mention. This procedure involves the purchase of an easement by the public agency whereby the property owner agrees not to carry out any alteration to the external appearance of the building or other specified works. The method has been used largely where it has been felt undesirable to introduce regulatory measures and would, therefore, seem to have little applicability, in this context, in Ontario.

THE PRIVATE SECTOR

6.86 The private sector plays an important role in historic preservation in the United States largely through the operation of historical foundations.

The Historical Foundations

6.87 Historical foundations of the type discussed here have evolved over the last 20 years but the outcome of a long tradition of private interest dating from the formation of the Mount Vernon Ladies Association in 1853. are

6.88 The goal of the foundations is to encourage practical contemporary use of buildings of architectural and historic value with emphasis on adaptive uses in contrast to preservation in a museum sense.

Revolving Funds

6.89 The foundations have been instrumental in developing the concept of rehabilitation programmes using "revolving redevelopment funds".

6.90 The funds are applied to purchasing and restoring properties for resale with appropriate restrictive covenants on facades and other features. The original outlay is thereby recovered and applied in further purchases and restoration.

6.91 In practice resale, especially in the early stages of area rehabilitation, has tended to be at a loss. The foundation, which obtains its funds primarily from benefactors and fund raising campaigns is prepared to accept a deficit as its contribution to the cultural heritage and revitalization of the city.

6.92 Over a number of years it appears that losses from revolving funds are quite small, supporting the view that most old buildings can be used in a financially advantageous manner.

6.93 Several foundations employ small but highly professional groups of promotional staff, administrators and architects and make extensive use of preservation consultants.

Area Preservation Plans

6.94 The acquisition and preservation of property is usually based on a carefully developed area preservation plan. In most cases the foundations concentrate on deteriorating neighbourhoods in the older sections of the city.

6.95 An example of historical foundation activity is provided by the Pulaski Square - Jones Street project in Savannah, Georgia. Here an initial outlay of only \$38,000 of revolving fund seed money, coupled with bank and private loans, stimulated over one million dollars of preservation activity in a period of eighteen months. A total of forty-eight buildings were stabilized, of which twenty-eight were purchased for resale by the Historic Savannah Foundation. Another ten buildings were restored privately as a result of the foundation's promotional efforts.

6.96 The historical foundations have enjoyed considerable success in preserving residential buildings in both Charleston and Savannah. In both cities the Municipal governments have thus been called upon to provide no more than the initial requirement of historic district designation and a board of architectural review.

Historical Restorations

6.97 The other and, perhaps, better known major contribution of the private sector in the United States has been in the development of such "museum piece" restorations as Colonial Williamsburg and Greenfield Village.

6.98 Such "restorations" make a limited contribution to the overall preservation programme but that they have some part to play, largely in the educational context, is undeniable. Occasional buildings have been saved, in the physical sense, by removal to such a museum. The chief aim, however, of any preservation programme should be to ensure that buildings are preserved as a living and useful part of the community.

6.99 Ontario is well-served with excellent historical restorations at Upper Canada Village, Pioneer Village and others, and the United States experience in this specialised field seems to be of little value in the context of the aims of this study.

7. CANADA - EXISTING LEGISLATION AND PROGRAMMES

THE FEDERAL GOVERNMENT

7.1 is indicative of
The recent dramatic increase in visits to
national historic parks and sites / the expanding
and intensifying interest of Canadians in the history of
their country. Between the fiscal years 1956-57 and
1966-67 recorded attendance increased from 429,122 to
2,032,328. In the same period the National Historic
Sites Service established nine new major sites and
national historic parks and erected 48 bronze tablets.

7.2 The federal government has responsibility
for historic sites of national importance through the
provisions of the Historic Sites and Monuments Act
(1-2 Elizabeth II, Chp. 39) as amended (3-4 Elizabeth II,
Chp. 20) and the National Parks Act (R.S.C. 1952, Chp. 189).
The preservation provisions of this legislation are
administered by the Department of Indian Affairs and
Northern Development through its Historic Sites Branch.

Historic Sites and Monuments

7.3 Under the provisions of the Historic Sites
and Monuments Act, the Minister is authorized:

7.3.1 to mark by means of plaques or other signs,
or otherwise commemorate historic places;

7.3.2 to make agreements with any persons for
marking or commemorating historic places
pursuant to this Act and for the care and
preservation of any places so marked or
commemorated;

7.3.3 with the approval of the Governor-in-Council, to establish historic museums and to preserve any historic landmark or any object of historic, prehistoric or scientific interest of national importance.

7.3.4 with the approval of Treasury Board, to acquire on behalf of Her Majesty in right of Canada any historic museums, or any interest therein by purchase, lease or otherwise; and

7.3.5 to provide for the administration, preservation and maintenance of any historic places acquired or historic museums established pursuant to this Act.

7.4 Under the Act an "historic place" is defined as "... a site, building or other place of national historic interest or significance, and includes buildings or structures that are of national interest by reason of age and architectural design;..."

7.5 This Act has enabled the Federal government to assume a limited role in the preservation of historic structures.

Cost sharing

7.6 Cost-sharing agreements have been instituted with provincial governments, municipalities, historical societies and other private groups for the preservation of nationally significant buildings. Under these arrangements, which are similar to programmes in the United States, the Federal Government will accept responsibility for up to 50% of the cost of acquisition and restoration with the understanding that the local organizations or agencies accept sole responsibility for the continuing maintenance of these historic structures. The programme potential is limited because of budget allocation.

Historic Parks

7.7 Eighty per cent of all federal funds allocated for architectural and historic preservation are utilized in the historic parks programme. Section 10, Part II of the National Parks Act, defines the power of the Governor-in-Council with respect to national historic parks:

"The Governor-in-Council may set apart any land the title to which is vested in Her Majesty, as a national park to

- (a) commemorate an historic event of national importance, or
- (b) preserve any historic landmark or any object of historic importance."

7.8 Historic preservation projects at the Federal level may therefore be initiated in two ways. A national historic site may be designated by the Minister of Indian Affairs and Northern Development upon the advice of the Historic Sites and Monuments Board, while a national historic park may be established only by the Governor-in-Council. The intent of the legislation is the commemoration, preservation and restoration of sites and objects of prime national historic, prehistoric and scientific interest.

7.9 Budget restrictions and the emphasis on involvement only in schemes or projects of national significance, has limited activity to under fifteen projects in Ontario. The Historic Sites Branch in over forty years has completed only 30 individual house projects through the nation. Federal preservation activity is therefore clearly limited, and seems likely to remain so for the present.

7.10 It is understood that some policy changes are to be made with the emphasis on co-ordination of the historic and architectural preservation programme with the activities of other federal agencies such as C.M.H.C., A.R.D.A. and the Department of Public Works.

Canadian Inventory of Historic Buildings

7.11 The Historic Sites Branch is currently preparing a nation-wide inventory of historic buildings under the direction of Professor J. Acland of the University of Toronto.

7.12 The field work is being carried out by small generally unskilled teams using a simple survey sheet on which may be recorded 78 items of information for each building.

7.13 This information is to be stored in a computerized data-bank and will be readily retrievable for the use of any organization or individual.

7.14 Phase I of the survey started in summer of 1970 and over 10,000 buildings were recorded by the fall. Survey work has now been organized on a continuous basis and this phase which will include 100,000 buildings, being all buildings erected prior to the cut-off dates, is expected to be complete within five years.

7.15 At present the inventory is confined to pre 1880 buildings in the east and pre 1914 in the west, but its scope will be extended in the future.

7.16 Phase II of the inventory will involve a more detailed survey of selected buildings with up to 150 items of information recorded including details of interiors.

7.17 Such an inventory is an essential basis for any preservation programme. Its comprehensive nature and ease of accessibility will make it invaluable to provincial and municipal governments.

7.18 The federal government is seeking the aid of provincial governments in order to complete the inventory at the earliest possible date. Some provinces have already provided such assistance.

THE PROVINCES

7.19 Legislation exists in all of the provinces and territories for the protection of archeological remains. In only a few, however, has this been extended to include historic building preservation. The following may serve as examples of what exists and is not intended to be fully comprehensive.

MANITOBA

Protection of Historic Sites

7.20 The Province of Manitoba passed the Protection and Preservation of Historic Sites and Objects Act in 1967.

7.21 The Act requires that persons obtain a permit from the Minister of Cultural Affairs before any work can be carried out at an "historic site". An "historic site" is defined as "a site, parcel of land, building or structure declared under the regulations to be an historic site".

7.22 Persons obtaining a permit are required to keep records of the work done and to submit it to the Minister if requested.

Advisory Board

7.23 The Act provides for the establishment of an Advisory Board of five members to assist the Minister on all matters arising out of the Act.

Agreement for Maintenance or Renovation

7.24 The province may also enter into an agreement with an owner regarding maintenance and renovation of a site. The cost of the work being paid either in whole or in part by the Provincial Government.

NEW BRUNSWICK

Protection of Historic Sites

7.25 In 1954 (Amended 1958) the Province of New Brunswick passed the "Historic Sites and Protection Act". The provisions of the Act are similar to those of the Manitoba legislation.

7.26 The act provides for an Advisory Board appointed by the Lieutenant-Governor; permits are required before any work can be carried out at an historic site; and the Minister may require that a permit holder submit a report of the work completed and the information obtained.

7.27 The Act also states that any and all historic and archaeological objects taken at one of these historic sites shall be turned over to the New Brunswick Museum.

7.28 The New Brunswick legislation does not deal specifically with the problem of the conservation of historic or architecturally important buildings.

7.29 It is understood that the legislation will be considerably broadened in scope in the near future in response to public pressure for municipal enabling legislation and greater government involvement in historic and architectural preservation.

QUEBEC

7.30 The Province of Quebec has enacted the most comprehensive preservation legislation in Canada. The Historic Monuments Act 1963 provides for the protection of both individual buildings and historic districts.

Historic Monuments Commission

7.31 The legislation is administered by the Quebec Historic Monuments Commission which consists of the Minister of Cultural Affairs or his representative, the Director of the Historic Monuments Service, Department of Cultural Affairs, and five other members appointed by the Lieutenant Governor in Council.

Classification

7.32 The commission may classify any property of historic or artistic interest and surrounding property as necessary to protect the classified building. Moveable objects may also be classified, as a result becoming "inalienable".

7.33 Classified property may not be demolished or altered without the authority of the commission. In the case of violation the Minister may order the restoration of the property at the owner's expense.

Historic Districts

7.34 On the recommendation of the commission the Lieutenant Governor in Council may designate "Historic Localities". These may be the whole or part of a municipality

which contains a concentration of historic buildings.

7.35 No construction, repair, alteration or demolition is permitted in a "historic locality" without a permit issued or approved by the commission. Violation may be dealt with as under the classification procedure.

7.36 The commission may make regulations controlling the erection of posters and signboards in the locality.

Municipal Initiative

7.37 In 1962 Montreal City Council enacted a by-law creating the Jacques-Viger Commission. This pioneering citizens' committee was to study all questions connected with the conservation of, and to prepare a preservation plan for, a certain area of Old Montreal.

7.38 The preservation plan has been prepared and the Jacques-Viger Commission is responsible for its implementation. The area is now an "historic locality" and the local commission has been delegated power to issue permits under the Historic Monuments Act.

7.39 A number of buildings have been acquired and preserved by the City of Montreal on the advice of the Commission and others have been preserved by private concerns aided by municipal grants of up to 25% of preservation costs.

"Historic Locality" progress

7.40 Seven historic localities have now been designated in the province. Of these six are administered by the Historic Monuments Commission and the other by the Jacques-Viger Commission.

7.41 Local commissions of the Montreal type are likely to play a larger role in the future. Centralized Administration by the Historic Monuments Commission has been found to be cumbersome in operation and to allow little opportunity for local participation or initiative.

8. PROVINCE OF ONTARIO - EXISTING PROGRAMMES

8.1 As in other provinces Ontario has legislated to protect archaeological remains and historic sites and has gone further in providing an organization, the Ontario Heritage Foundation, with the chief object of acquiring and preserving old building.

Archaeological and Historic Sites Protection

8.2 The Archaeological and Historic Sites Protection Act 1960 (amended 1965) reenacted and added to provisions contained in earlier legislation of 1953.

8.3 Under this Act the Minister (presently the Minister of Tourism and Information) may designate land as an archaeological or historic site. Historic Site is defined as land of historical significance that is designated as such by the Minister.

Permits

8.4 No excavation or alteration may take place at such a site without a permit issued by the Minister.

8.5 Permit holders must submit a report giving details of the work carried out and the Minister may direct that objects excavated shall be deposited in a designated public institution.

Advisory Board

8.6 The Minister may establish an advisory board consisting of not more than 12 members to provide advice on any matter connected with the act.

Designation of Sites

8.7 Acting on the advice of the board the Minister has designated a number of buildings, areas and objects throughout the province.

Plaques

8.8 A total of 557 plaques have been erected on designated sites since the marking programme was inaugurated in 1956. In 1969 forty plaques were erected covering a wide variety of subjects ranging from Champlain's first ascent of the Ottawa River in 1613 to the birth place of the Honourable George Brown in Scotland.

PROVINCIAL INVENTORY

8.9 In 1965 the Public Records and Archives Branch of the Department of Tourism and Information commissioned an inventory to determine the number of pre-1855 buildings of historical and architectural significance within the province.

8.10 The inventory which is currently in the final stages of completion was carried out under the direction of Professor William Goulding of the University of Toronto, School of Architecture.

8.11 Survey and data collection was organized at the 'local' level. Local committees were appointed throughout the province by the inventory director. The committees were provided with standardized inventory sheets and suggested procedures before the field work began.

8.12 A few local committee members had some historical or architectural knowledge but the majority

were simply interested volunteers associated with historical societies, women's institutes and professional organizations.

Information Provided

8.13 The inventory provides detailed information and photographs on the majority of pre-1855 buildings in the province. The survey method employed may have produced some inconsistency in the quality of the inventory, nonetheless it might well be of value in a provincial preservation system.

8.14 The reports of the various inventory committees during the first two years of operation (1965 - 1966) indicated that there were many architecturally and historically significant buildings in the province and that a considerable number of these were at one time or another being placed in jeopardy. These reports had some part in influencing the provincial government to become more involved in the business of saving significant older buildings through the introduction of an Act to Incorporate the Ontario Heritage Foundation.

THE ONTARIO HERITAGE FOUNDATION

8.15 An Act to incorporate the Ontario Heritage Foundation was given royal assent in June 1967. The Foundation consists of a board of directors numbering not less than three or more than eleven appointed by the Lieutenant Governor in Council.

Objects of Foundation

8.16 The objects of the Foundation are:

- 8.16.1 to receive, acquire by purchase, donation or lease, hold, preserve, maintain, reconstruct, restore and manage property of historical, architectural, recreational, aesthetic or scenic interest for the use, enjoyment and benefit of the people of Ontario
- 8.16.2 to support and contribute to the acquisition, holding, preservation maintenance, reconstruction, restoration and management of property of historical, architectural, recreational, aesthetic or scenic interest by municipalities or organizations for the use, enjoyment and benefit of the people of Ontario
- 8.16.3 to conduct and arrange exhibits or other cultural or recreation activities to inform and stimulate the interest of the public in historical and architectural matters.

Powers of Foundation

8.17 Under Section 8 of the Act the Foundation is given broad powers to enable it to attain these objectives, including the power to acquire and dispose of property, enter into agreements, employ experts and to borrow and invest funds.

8.18 The Ontario Heritage Foundation has, since its inception, been subjected to budget restraints that have limited its activity. Nevertheless the Foundation has been inundated with property donation offers and applications for financial support to undertake preservation activities of every kind throughout the province. In its first eighteen months of operation (1968 - 1969) the Foundation's Board of Directors entertained applications for approximately 300 projects. It should be noted here that, under certain conditions, a donation to the Foundation may attract some tax concessions.

Property Acquisition

8.19 The Foundation has ^{/to date} acquired 9 properties, and has accepted various items reflecting Ontario's cultural heritage although not connected with building preservation. These include a collection of 100 volumes of rare Canadiana, a collection of antique firearms and several works of art.

Assistance to Organization

8.20 Despite the limited availability of funds the Foundation has also been able to offer some measure of assistance to individuals and organizations including: a matching grant of \$750 to the Port Hope Chamber of Commerce for an architectural and historical study of buildings in the central area in order to promote a downtown preservation scheme, a grant of \$1,000 to the Architectural Conservancy of Ontario to assist with the preparation of material for a proposed manual on building restoration, and \$1,500 to organizations restoring the Allan Macpherson House in Napanee.

8.21 Even though a property is donated the Foundation is frequently involved in expenditure for appraisals, renovations or repairs as necessary to place the structure on a self-sustaining basis. The Foundation is, therefore, necessarily cautious about accepting property that may require substantial outlay. Many endangered buildings are in this category.

8.22 The Foundation has considered but has not instituted a "revolving" fund similar to those in operation in the United States. Such a fund might enable a more efficient use of the limited money available to the Foundation.

THE MUNICIPALITIES

8.23 Municipal activity in the preservation field has generally been limited. This has been partly owing to the absence of enabling legislation and partly to widespread apathy. However, two attempts to establish preservation programmes through private legislation are worthy of note.

CITY OF KINGSTON

8.24 The City of Kingston has been foremost among municipal authorities in preservation activity.

Architectural Control

8.25 The City passed ^{in 1961} an architectural control by-law establishing a Board of Architectural Review which was to be given 'preservation' responsibilities. The general objective of the by-law was to "regulate and control the alteration or demolition of buildings of historic or architectural value and the general design and architectural style of new commercial, industrial and apartment buildings within certain districts" of the City.

8.26 The by-law was passed under Section 30(1) of The Planning Act and was sent in November 1962 to the Ontario Municipal Board for approval. After consideration the Board decided that the by-law did not have an adequate legislative basis in Section 30(1) of The Planning Act and declined to grant approval.

8.27 Recently, the city revived its efforts to establish a municipal preservation programme. It's intention to introduce private legislation into the Ontario Legislature was supported by the Government with

the subsequent result that the proposed legislation was introduced as a public bill (Bill 166).

The City of Kingston Act

8.28 The Act, which received royal assent in July 1970, permits the City to pass by-laws for the preservation of buildings or structures considered to be of historic or architectural significance.

By-law prohibiting demolition

8.29 A by-law passed under the act may prohibit the demolition of the building and may regulate alterations, renovation or use of the designated building.

8.30 It may also provide for acquisition by purchase or lease and for the making of grants to the owner of the building.

8.31 The by-law must be registered against the land affected in the registry or land titles office.

Repeal of By-law

8.32 The by-law must be repealed/ 90 days from -----within its passing unless, in the interim, the council has agreed to purchase or lease the building, has agreed to pay compensation to the owner or has expropriated the building.

8.33 The 90 day limitation means that the procedure can only be initiated at the time that a building is threatened. It, therefore, relies on cooperation between council departments to obtain forewarning of pending demolition or alteration and does not give owners a firm prior indication that their building is protected.

CITY OF TORONTO

8.34 The Private Act Respecting the City of Toronto provides the other example of provincial legislation designed to allow some measure of preservation activity at the municipal level.

8.35 The City of Toronto Act 1967 gives the City Council the power to designate historic sites, including buildings and the surrounding property, deemed to be significant for either architectural or historical reasons.

Deferment of permits

8.36 Following designation the council may defer issuance of any permit to carry out any work or demolition for a period of up to sixty days.

8.37 The intent of this provision is to allow time for consideration by City Council and, if necessary, for negotiation, raising of funds etc.

Toronto Historical Board

8.38 The Toronto Historical Board is responsible for advising City Council on the administration of the Act. Originating from the former Toronto Civic Historical Committee, 1949, The Toronto Historical Board was established by by-law in 1960.

Inventory of Buildings

8.39 The Historical Board maintains an inventory of architecturally and historically significant buildings

in the City and initiates and develops proposals for the preservation of historic sites, properties and objects.

8.40 In those instances where issuance of a permit for the demolition or alteration of buildings designated as historic sites is being withheld for the sixty day period, the Historical Board negotiates with the property owner in attempts to preserve the building.

Operation of the Act

8.41 In practice it has proven difficult to designate property because of the opposition of owners. Even where property has been designated the legislation has been largely unsuccessful because of the absence of supporting regulative, protective and particularly financial assistance provisions.

PART II - A PROGRAMME FOR ONTARIO

9. INTRODUCTION

9.1 Part I of this study defines in some detail the problems to be solved by a preservation programme for the Province of Ontario. It also provides a survey of international and national preservation practice with, where appropriate, brief analyses of the effectiveness of the programmes described.

9.2 This part of the study is essentially a description of a proposed programme for the Province of Ontario based on conclusions drawn from the material contained in Part I.

Basis of the Programme

9.3 The general conclusions on which the proposed programme is based are

9.3.1 the programme should provide for the protection of both individual buildings, and districts, of historic or architectural importance (see chapter 5)

9.3.2 the programme should be integrated with the overall planning process (see chapter 5)

9.3.3 the programme should be the shared responsibility of provincial and municipal governments, and should be designed to encourage private initiative.

Provincial/Municipal Responsibilities

9.4 In reaching the last of these conclusions (9.3.3)

the assumption has been made that the provincial government would wish, in the case of this programme, to maintain its principle of delegating responsibility to municipal government to the maximum possible extent.

9.5 This principle, therefore, has been applied throughout the proposals contained in subsequent chapters of this study.

The Private Sector

9.6 It is difficult to devise provisions which will ensure increased private activity in the preservation field. Private participation cannot be compelled through legislation and must, therefore, be encouraged by provision of suitable incentives and advice and by government example. It is hoped that the proposals contained in chapters 10, 11 and 12 will be effective in this regard.

9.7 The outstanding success of historical foundations in the United States has been outlined in chapter 6 of this study and deserves special attention. The foundations appear to be the most effective means yet devised for private participation in the preservation process and their formation should be especially encouraged.

9.8 It is considered that there is presently no legal or other barrier to the establishment and operation of such foundations in Ontario. The public agencies can best assist and encourage activity of this type through provision of advice and financial assistance.

9.9 It is proposed in chapter 13 that the Ontario Heritage Foundation should develop the role of advisor to the private sector and should, through a loans and grants programme, provide financial assistance where appropriate.

Conservation or Preservation

9.10 It is essential that the proposals contained in this study should not be thought to encourage an attitude which seeks to preserve solely for preservation's sake or to inhibit desirable social and cultural change in the community.

9.11 For this reason, it has been felt that, as applied to the proposed programme, the term "conservation" would be more appropriate than "preservation" which implies "no change" or fossilization. Only the possibility of confusion with other government programmes precludes the use of the former term in this study.

9.12 While there may, therefore, be occasional justification for the preservation of a "museum piece" it is intended that the emphasis in the implementation of these proposals will be on integrating historic buildings and districts as a useful and viable part of the community structure, with encouragement, where necessary, for the introduction of appropriate adaptive uses.

Arrangement of Part II

9.13 Chapters 10 and 11 of this part set out proposals for the protection of individual buildings and historic districts respectively. Where considered necessary some explanation of the reasons for the choice of a particular proposal has been included. In some instances alternative methods are mentioned or reference made to a previous section of the study.

9.14 Chapter 12 outlines recommended measures for financial assistance and alternative means of minimizing financial loss to owners as a result of preservation activity.

9.15 All references in Chapters 10, 11 and 12 to the Minister, provincial government, the municipality etc. are fully explained in chapter 13 "Administrative Structure".

10. PROTECTION OF THE INDIVIDUAL BUILDING

The Inventory

10.1 It is essential for the provincial government and the municipalities to be fully aware of the total extent of the resource of buildings of historic or architectural value. It is equally important to have information regarding the use, style, age and condition of such buildings.

10.2 The provincial inventory described in Chapter 8 of this study provides much of this information in regard to structures built prior to 1855. The quality of the data may, however, be suspect in some cases owing to the method of working through local volunteer teams, and the system of information retrieval employed may also be considered by some to be inadequate.

10.3 The Canadian inventory of historic buildings now being prepared by the Federal Government will provide, within five years, comprehensive information on all pre-1880 buildings in the province. The process of survey could be speeded up if more assistance was provided at a local level. Such additional assistance has already been provided in other provinces.

10.4 It is considered that the information available from the provincial inventory, despite the shortcomings outlined should be adequate with minimal additional input for the immediate needs of the programme described in this part of the study. This information will be supplemented and possibly superseded by that which becomes available from the national inventory during the next five years.

10.5 It is recommended that:

10.5.1 The provision of assistance to the federal

Historic Sites Branch in the preparation of the national inventory be investigated. Such assistance to be by provision of additional teams (possibly student employees) for survey work.

- 10.5.2 The provincial inventory commissioned by the Department of Tourism and Information be reviewed and resources made available for its immediate completion, revision and/or expansion as necessary.

Provincial Listing

- 10.6 Within the Province of Ontario there are a number of structures which may be considered of national or provincial importance.

- 10.7 These buildings may be of outstanding architectural merit or of a unique style or form of construction or may be associated with persons or events of great historic importance.

- 10.8 These buildings should, therefore, be identified and listed and automatically afforded the full protection of the measures proposed in this study. The inventories described above should be used as the basis for the listing but on no account should this be allowed to prevent the inclusion of outstanding buildings of a date later than the inventory "cut-off" dates.

- 10.9 The first step should be the preparation of a provisional list of selected buildings. The provisional list or any additions to or deletions from it should be published in local newspapers and the public should be given an opportunity to make representations to the Minister before the list becomes final and within a specified period of time after publication.

- 10.10 Owners of the selected buildings should be notified of the provisional listing and given an opportunity to make representations (within a period of time specified in

the notice being not less than 28 days) to the Minister before the listing becomes final. Additions or deletions to the list should be subject to the same procedure.

10.11 The final list should be approved by the Minister and published in the Ontario Gazette.

10.12 Municipalities should be notified of the listing of buildings within their jurisdiction and given the same opportunity as owners to make representations to the Minister.

10.13 Listed buildings should be made known to the public by means of publications and with the agreement of the owner of plaques erected on the site. It is desirable that they should be recorded in photographs and/or drawings in case of accidental damage or destruction.

10.14 It is recommended that:

10.14.1 Buildings selected from the provincial or national inventories be listed by the provincial government as being of outstanding national or provincial importance.

10.14.2 Adequate procedures be initiated for the notification of owners, the public and municipal governments of the listing.

10.14.3 Adequate procedures be initiated to enable owners members of the public and municipalities to make representations to the Minister before listing becomes final.

Municipal Listing

10.15 Chapter 5 of this study drew attention to

the need for provisions which allow judgment to be made locally on the significance of buildings not selected as being of provincial importance.

10.16 Municipalities should, therefore, be enabled to prepare and adopt a list of buildings of local importance.

10.17 The listing of locally significant buildings by the municipality should be in accordance with criteria and standards adopted by the provincial government. Such standards should be advisory only and should not prevent the listing of a non-complying building if there is special reason to do so. Municipalities should also be enabled to list buildings in the immediate vicinity of a building of special importance which may in themselves not be of outstanding architectural or historic merit but are important as part of the immediate setting or environment of an important building.

10.18 A provisional list should be prepared subject to the same procedures for notification and representations as 10.9 to 10.12 above with the exception that all representations should be made to the municipality. The Minister should also be notified of the provisional list and given the same opportunity to make representations as the owner or the public before its adoption .

10.19 Following consideration of representations the municipality should be enabled to adopt the provisional list by resolution as the list of buildings of local importance.

10.20 It is recommended that:

10.20.1 Legislation be enacted enabling municipalities to prepare a list of buildings of local importance subject to the same procedures as under 10.14 above and guided by criteria laid down by the Provincial government.

PROTECTIVE MEASURES

PROVINCIAL DESIGNATION

10.21 Following completion and approval of the provincial list it will be necessary to provide a means of protection against demolition or alteration of the listed buildings.

10.22 It is proposed that this should be provided by formally designating buildings to which protective measures would apply. Although desirable it would not be necessary to immediately designate all listed buildings.

Authorization of Works

10.23 Owners of designated buildings should be required before carrying out any works of demolition, addition or alteration to the external architectural appearance (and in specified cases to interior features) to submit an application and obtain the authorization of the Minister.

10.24 Owners should not be required to obtain authorization for urgent essential repairs or for the demolition of a dangerous structure.

Procedure for designation

10.25 Provincially listed buildings should be designated by regulation. The regulation may also define the form of application required to obtain authority for works to the building.

10.26 Building owners and the public should be notified not less than twenty-eight days before formal designation. During this period the Minister would receive and consider representations regarding the proposed designation.

10.27 The municipality within which the building is located should also be notified of the proposed designation and given the opportunity to make representations.

10.28 The Minister should be enabled by agreement to permit a municipality to designate a provincially listed building or buildings under the municipal designation procedure. Such buildings would be subject to the protection detailed under section 10. and would not be designated by the Minister.

Definitions

10.29 "External architectural appearance" should be defined in the legislation to include the composition, colour and texture of the building material and the type and character of doors, windows and all other elements of the structure visible from the street or other public right of way. "Structure" should also be defined to include walls, gates, fences, fixed signs and light fixtures.

Building permits

10.30 Municipal building inspectors will be required not to issue a building permit for any proposed works to a provincially designated building until the authorization provided for above is obtained.

Time limit for decision

10.31 The Minister should be required to issue a

decision on any application under this procedure within not more than sixty days from the date of receipt of the application.

10.32 Failure to issue a decision within this period should be deemed to be an approval of the application and equivalent to the issuance of authority to proceed with the works proposed subject to only any other public approvals required (e.g. building permit).

Form of decision

- 10.33 A decision under this procedure would:
- 10.33.1 permit the proposed works
- 10.33.2 permit the proposed work subject to conditions
or
- 10.33.3 refuse to permit the proposed works

MUNICIPAL DESIGNATION

10.34 Municipalities should be enabled to designate by by-law buildings listed as being of local importance and, with the agreement of the Minister, buildings which are included in the provincial list.

10.35 Building owners, the public and the Minister should be informed of proposed designation a minimum of twenty-eight days before passage of the by-law. During this period the municipality should receive and consider representations.

10.36 The by-law should require all owners of designated buildings, before carrying out to a designated structure any works of demolition, addition or alteration to the exterior architectural appearance and in specified cases to interior features to submit an application to the municipality and to obtain the authorization of the municipal council.

10.37 Owners should not be required to obtain authorization for urgent essential repairs or for the demolition of a dangerous structure.

Definitions

10.38 The by-law should contain a definition of "external architectural appearance" which should include the composition, colour and texture of the building material and the type and character of doors, windows and all other elements of the structure visible from the street or other public right of way. "Structure" should also be defined to include walls, gates, fences, fixed signs and light fixtures.

Building Permits

10.39 Municipalities should be empowered to delay the issue of a building permit, where one is required, until the authorization provided for above is obtained.

Time Limit for Decision

10.40 The municipal council should be required to issue a decision on any application under this procedure within not more than sixty days from the date of receipt of the application.

10.41 Failure to issue a decision within this period should be deemed to be an approval of the application and equivalent to the issuance of authority to proceed with the works proposed subject only to any other public approvals required (e.g. building permit).

Form of Decision

- 10.42 A decision under this procedure would:
- 10.42.1 permit the proposed works
- 10.42.2 permit the proposed works subject to conditions or
- 10.42.3 refuse to permit the proposed works

Appeal Procedure

10.43 Any person aggrieved by a decision of the municipal council should be able within a period of twenty-eight days from issuance of a decision to submit a written appeal to the Minister.

10.44 The Minister on receipt of the written appeal should request comments or submissions from the municipality or other interested bodies or persons.

10.45 The Minister should be empowered to determine the appeal on the basis of the written representations submitted or, at his discretion, a public hearing before making such determination.

10.46 The Minister should also be empowered to call in and review any decision of a municipal council under this procedure within the twenty-eight day period.

GENERAL DESIGNATION PROVISIONS

Demolition Applications

10.47 In the case of an application to demolish a designated building the Minister or the municipal council

should only be authorized to prohibit the work for a period of not more than 180 days from the date of issuance of the decision.

10.48 Appeal procedures in these cases should remain as in 10.43 to 10.46 above.

10.49 Within the period of 180 days the Minister should consult the Ontario Heritage Foundation and any other provincial or local bodies or persons which may be deemed appropriate (e.g. Conservation Authorities, local historical societies) and should determine what steps might be taken to preserve the building. A Municipal Council should be required to carry out similar consultations in addition to seeking the advice of the Minister.

10.50 In order to facilitate preservation municipalities should be authorized to

10.50.1 acquire an interest in the property by purchase or lease by agreement with the owner or through expropriation

10.50.2 dispose of the interest so acquired to any person or body subject to conditions designed to ensure the continued preservation and maintenance of the building.

10.50.3 enter into an agreement with the owner of the building to pay compensation. Such agreement to contain conditions to ensure the continued preservation and maintenance of the building

10.50.4 make grants or loans to the owner of the property for the purpose of renovation or maintenance (see paragraph 10.51 below)

Compensation

10.51 No provision for compensation is recommended in the case of the prohibition of alterations to a building. The restriction of the rights of the owner thus imposed is similar to that resulting from zoning restrictions under section 30 of The Planning Act for which no compensation is payable.

10.52 There appears to be no precedent, however, in existing zoning practice for the permanent prohibition of demolition of the structure. It is considered, therefore, that there is justification for payment of compensation (as outlined in 10.38 above) through purchase of the building or by direct payment on an agreed basis. In the absence of such compensation it is not considered that demolition could or should be prohibited beyond the 180 day period provided for above.

Demolition by Neglect

10.53 Ontario is fortunate in that existing legislation provides powers that might be used to counter attempts to let historic property fall into disrepair and decay.

10.54 The powers referred to are contained in Section 30a of The Planning Act and enable municipalities to prescribe and regulate standards of maintenance of property. The recent Lawson report has proposed a number of measures for increasing the effectiveness of these powers.

10.55 Municipalities should be aware of, and prepared to use, this authority to ensure the proper maintenance of historic building.

10.56 It is considered that, properly applied, these powers should be adequate to eliminate the danger of demolition or decay through neglect.

10.57 It is recommended that:

- 10.57.1 legislation be enacted enabling the Minister to designate for protection buildings included in the provincial list
- 10.57.2 legislation should require owners of designated buildings to obtain the authorization of the Minister before carrying out any works of alteration or demolition
- 10.57.3 legislation be enacted enabling municipalities to designate by by-law buildings listed as being of outstanding local importance and with the agreement of the Minister, buildings included in the provincial list
- 10.57.4 legislation should provide that the designating by-law shall require owners of listed buildings to obtain the authorization of the municipal council, before carrying out any works of alteration or demolition
- 10.57.5 legislation should provide for appeal procedures, acquisition of property and payment of compensation where appropriate

11. HISTORIC DISTRICTS

11.1 Section 5.13 and subsequent sections of this study drew attention to problems arising from changes to the setting of individual buildings of importance and to areas, districts or complete communities of outstanding architectural or historic value.

11.2 The need for designation for such areas and the adoption of special conservation policies has been recognized in both Europe and the United States and also in the province of Quebec.

11.3 It is considered that designation of these areas and the development and application of appropriate policies is an essential element of any preservation programme.

Procedure for designating Historic Districts

11.4 The suggested procedure for designation of a historic district is as follows:

- 11.4.1 definition of the area or areas to be designated and preparation of a historic district plan for each area. The extent of the area defined should be at the discretion of the municipality guided by criteria published by the provincial government.
- 11.4.2 adoption of the historic district plan by the municipal council as the basis for the preparation of an official plan amendment
- 11.4.3 preparation and submission for approval of an official plan amendment containing policies based on the proposals of the historic

district plan (such policies could, alternatively, form part of the original official plan)

- 11.4.4 following approval of the official plan amendment the preparation, adoption and submission for approval of an implementing historic district zoning by-law which would be superimposed on the normal zoning structure of the area and would act as an additional regulatory measure.

THE HISTORIC DISTRICT PLAN

11.5 The non-statutory Historic District Plan is envisaged as being similar in function (but not in form) to the planning appraisals/studies which are currently prepared by many municipalities as a preliminary to official plan amendments (notably the district secondary plans of the City of Toronto).

Contents of the Plan

- 11.6 The plan should include:
- 11.6.1 description of the historical development and associations of the district
 - 11.6.2 description and analysis of the architectural characteristics of the district (scale, materials, age, style, etc.)
 - 11.6.3 townscape analysis including street furniture, advertisements, trees, use and design of spaces etc.
 - 11.6.4 supporting survey material including age and condition of buildings, land use, vehicular and pedestrian movement

- 11.6.5 proposals and policies including land use, traffic, buildings and townscape features to be preserved, enhanced or removed, architectural standards, and financing

Form of the Plan

11.7 It is suggested that the Historic District Plan, dealing as it will with visual qualities, should be a graphically illustrated document. It should, for instance, make wide use of sketches and photographs to illustrate architectural policies. The document should be easily understood and useful both to the members of the public seeking guidance and to the municipal council.

11.8 The essential policies of the plan should be clearly emphasized to facilitate the subsequent preparation of the official plan document.

11.9 The plan should be prepared by municipal planning staff or consultants acting under the direction of council.

Liaison with Planning Board

11.10 Full liaison should be maintained throughout with planning board and the plan should be prepared having regard to municipal planning policies. This is not to indicate that the plan may not propose the modification of existing policy to further the objectives of historic district conservation.

Public Participation

11.11 It is essential that the Historic District Plan should be understood and supported by the community.

To this end the municipality should encourage public involvement from the earliest stages of definition of the area and plan preparation.

11.12 It is suggested that the preparation of this non-statutory plan may provide the ideal opportunity to investigate new techniques for public participation in the planning process. Such techniques might be in addition to the traditional means of public exhibitions and meetings.

11.13 The advice of local historical, archeological and other societies is likely to be of considerable value and should be sought in the preparation of the plan. Local architects groups may also provide a valuable source of assistance.

Provincial Advice

11.14 The provincial government should provide recommended criteria and policies and technical assistance where possible. It should also guide municipalities in the initial selection and definition of the district.

Adoption of the Historic District Plan

11.15 On completion the Historic District Plan should be adopted by the municipal council as the basis for an amendment to the official plan.

THE OFFICIAL PLAN AMENDMENT

11.16 The official plan amendment incorporating the proposals of the Historic District Plan would be subject to the normal provisions and requirements of The Planning

Act including public meetings, recommendation by planning board and/or adoption by council and approval by the Minister.

Content of the Official Plan Amendment

- 11.17 The official plan amendment should include
- 11.17.1 clearly stated objectives for the historic district
- 11.17.2 policies designed to attain the stated objectives
- 11.17.3 statement of means of implementation (i.e. historic district zoning).
- 11.17.4 statement of financial policy.

HISTORIC DISTRICT ZONING

11.18 Following approval of the official plan amendment municipalities should be enabled to pass, under Section 30 of The Planning Act, a Zoning By-law implementing the provisions of the plan.

Historic District Advisory Committee

11.19 Before passing such by-laws municipal council's should be recommended to establish an Historic District Advisory Committee.

Provisions of the By-law

11.20 The legislation should authorize provisions in the by-law requiring that within the Historic District zone no structure shall be erected, and no existing building shall be demolished or altered, insofar as its external architectural appearance is concerned, without the prior authorization of the municipal council.

Approval by Ontario Municipal Board

11.21 Such by-law would be subject to approval by the Ontario Municipal Board as set out under Section 30 of The Planning Act.

Definitions

11.22 The by-law should define "external architectural appearance" to include the composition, colour and texture of building materials, the type and character of doors, windows and other elements of the structure visible from the street or other public right of way. "Structure should

also be defined to include walls, gates, fences, fixed signs and light fixtures.

Determination of Applications

11.23 Any decision of the municipal council in determining an application under the Historic District Zoning should be required to conform to the provisions and policies of the official plan.

11.24 The municipal council should be recommended to seek the advice of the Historic District Advisory Committee before determining any application.

Time Limit for Decision

11.25 The municipal council should be required to issue a decision on any application under the Historic District Zoning within not more than sixty days of the date of receipt of the application.

11.26 Failure to issue a decision within this period should be deemed to be an approval of the application and equivalent to the issuance of authority to proceed with the works proposed subject only to any other public approvals required.

Form of Decision

11.27 A decision upon any application under this procedure may

11.27.1 permit the proposed works

11.27.2 permit the proposed works subject to conditions
or

11.27.3 refuse to permit the proposed works

Appeal Procedure

11.28 Any person aggrieved by a decision of the municipal council under this procedure should be able within a period of 28 days from the issuance of the decision to submit a written appeal to the Minister.

11.29 The Minister on receipt of the written appeal should request comments or submissions from the municipality and other interested bodies or persons.

11.30 The Minister should be empowered to determine the appeal on the basis of the written representations submitted or, at his discretion, order a public hearing before making such determination.

11.31 The Minister should also be empowered to call in and review any decision of a municipal council under the Historic District Zoning procedure.

Special Provisions for Demolition Applications

11.32 In the case of an application to demolish a structure within the Historic District zone the municipal council should only be authorized to prohibit the work for a period not more than 180 days from the date of issuance of the decision.

11.33 Appeal procedures in these cases should remain as in 11.27 to 11.30 above.

11.34 Within the period of 180 days the municipal council should be required to consult the Minister, the Ontario Heritage Foundation and any other provincial or local bodies or persons which may deem appropriate and should determine what steps might be taken to preserve the building.

Compensation

11.35 As in the case of designated buildings (see sections 10.39 to 10.41 above) no provision for compensation is recommended. Prohibition of demolition beyond the 180 day period provided in 11.32 above however should not be permitted unless the structure that it is proposed to demolish is acquired by the municipality or compensation is paid to the owner on an agreed basis.

Designated Buildings within Historic Districts

11.36 The owner of a designated building within the historic district should only be required to make a single application to the municipality when wishing to carry out works. The application should be determined with regard to the provisions of the Historic District Zoning By-law and Historic District Plan and also to the special status of the structure as a designated building.

11.37 It is recommended that

- 11.37.1 An amendment to The Planning Act be enacted authorizing municipalities to impose Historic District Zoning subject to prior adoption of appropriate policies as part of the Official Plan of the municipality.
- 11.37.2 Legislation should provide that in a Historic District no structure shall be erected, and no existing building shall be demolished or altered without the prior authorization of the Municipal Council.
- 11.37.3 Legislation should provide for appeal procedures.
- 11.37.4 Municipalities should be required to prepare a Historic District Plan as the basis for the Official Plan amendment required by 11.37.1 above, and recommended to establish an Historic District Advisory Committee.

FINANCIAL ASSISTANCE PROPOSALS

Grants and Loans

12.1 Low interest loan funds (as part of HUD programmes) have been an important element in successful preservation schemes in the United States. In Europe grants of relatively small proportions have proved a useful incentive for private owners to maintain valuable property.

12.2 It is, therefore, considered that municipalities should be enabled to loan or grant funds to owners or lessees of any designated building so long as it appears to the municipality that such loans or grants will aid in the preservation of the building.

12.3 It seems unlikely that funds available to most municipalities will enable more than token grants be made. These may, however, be valuable if applied judiciously as an incentive.

12.4 Loans or grants should be subject to conditions designed to ensure that funds are applied effectively and that the building benefiting is thereafter maintained in a satisfactory manner. Municipalities should be authorized to enter into an agreement with the owner to ensure that such conditions are fulfilled.

12.5 Municipalities should ensure that the works for which funds have been loaned or granted are properly supervised and certified by a qualified member of the municipal staff or consultant. No funds should be released prior to certification.

12.6 The province also should be prepared to make financial provision for loans or grants to buildings on the provincial list, subject to similar conditions to

those listed above. It is suggested that the provincial funds for this purpose should be administered by the Ontario Heritage Foundation which would also be responsible for the supervision of the work.

12.7 It is recommended that:

- 12.7.1 Municipalities be enabled to make loans or grants to owners or ~~lessees~~ of designated buildings.
- 12.7.2 The provincial government make funds available through the Ontario Heritage Foundation for loans or grants to owners of buildings on the provincial list.

Tax Relief

12.8 Relief from local taxes as a method of encouraging maintenance and preservation has been fully investigated. Discussion with the Assessment Branch of the Department of Municipal Affairs and with other authorities has, however, indicated that this method cannot be recommended.

12.9 Some disadvantages of the method appear to be:

- 12.9.1 Complexity of administration
- 12.9.2 Public opposition on the grounds that an owner obtaining an equal level of service should not obtain relief simply because the building is of historic importance. A direct grant does not appear to arouse the same response.
- 12.9.3 The likelihood that the market value assessment of the property will not reflect its relative historic or architectural importance

or the need for financial assistance. Properties where assistance would be of greatest benefit might therefore obtain least advantage. A formula to overcome this could be developed but would be extremely complex.

12.9.4 Despite tax relief usually being related to maintenance costs previously incurred there is considerable difficulty in ensuring that the money expended (and reclaimed from taxes) has been utilized in an effective manner for preservation purposes.

12.10 It is recommended that:

Tax relief measures not be adopted as a means of encouraging preservation activity.

Transfer of Development Rights

12.11 The technique of transfer of unused development rights as described in section 6.79 of this study appears to have considerable merit particularly in areas of high land value and development potential such as the downtown and core areas of major cities.

12.12 It is felt that this procedure is not substantially different in principle from that already applied in some cases in Ontario where

12.12.1 transfer of density has taken place to ensure retention of a feature of public importance (e.g. open space)

12.12.2 "Bonus" systems are used to provide a premium for developers where special amenities are provided or retained.

12.13 It is considered, therefore, that municipalities should be enabled to apply this technique subject to:

12.13.1 the prior adoption of appropriate policies as part of the official plan of the municipality.

12.13.2 the prior designation (in accordance with section 10.21 of this study) of the building from which development rights are to be transferred.

12.14 The technique should ideally be utilized within the context of a Historic District plan, and the appropriate Official Plan Amendment incorporating the Historic District plan, as proposed in chapter 11 above. It is recognized, however, that circumstances may exist where a Historic District plan is not complete and it is not considered, therefore, that this should be made a prerequisite.

12.15 Municipalities should be specifically authorized by legislation to enter into an agreement with the owner of a designated building as a precondition to implementing a transfer of development rights by rezoning. Such agreement would attach to the property and would include provisions to remove permanently and irrevocably all development rights from the site of the designated building and to ensure continuing maintenance of the building. The loss of development potential of the land should be registered against title.

12.16 It is suggested that the sequence of events in applying this technique in Ontario should be as follows:

12.16.1 the municipality will adopt policies as part of its official plan setting conditions for the transfer of development rights, defining areas within which the technique will be used and the area or areas to which the

rights may be transferred and indicating the manner in which the portion of development value that may be transferred will be determined.

- 12.16.2 The owner of a designated building would decide to utilize the unused development rights of the building on other land in his ownership or to enter into an agreement with a developer to purchase the development rights of the designated building for application to a specified site. In the latter case the sale would be finalized only upon rezoning of the specified site.
- 12.16.3 On application by the owner of the designated building the municipality will prepare an agreement (section 12.14 above) by which defined development rights will be irrevocably removed from the designated building, its maintenance will be ensured, and the municipality will agree to transfer the development rights by rezoning the specified site to the appropriate higher density (the general area to which, or within which, development rights may be transferred having been previously defined in the official plan). The owner will also agree to the rezoning of the designated building (if necessary) to a category that will reflect the terms of the agreement.
- 12.16.4 The municipality will rezone the specified site finalizing the transfer and will rezone the designated building to an appropriate category reflecting the loss of development rights and other terms of the agreement.

12.17 It is recommended that:

12.17.1 Municipalities be enabled by legislation to enter into an agreement with the owner of a designated building for the transfer of unused development rights to a specified site. Such agreement to be a prerequisite to rezoning to implement the transfer.

12.17.2 Municipalities be required, prior to entering into such an agreement, to adopt appropriate guiding policies as part of the official plan.

13. ADMINISTRATIVE STRUCTURE

13.1 Chapter 9 of this study indicated that the proposed programme for preservation of historic buildings and areas in Ontario should be the shared responsibility of provincial and municipal governments. Chapters 10 and 11 set out the proposed roles of both levels of government in some detail and this chapter outlines the administrative and technical organization that will be required to fulfil these roles.

THE MUNICIPALITIES

13.2 The desire of the province to strengthen the role of municipal government and, wherever possible, to delegate responsibility to the local level has been previously mentioned in this study.

Regional Government

13.3 The regional government programme is the main thrust in an attempt to produce units of local government better able to cope with the emerging problems of the latter part of the century. In particular, the new municipalities will have the opportunity to plan for a greater area than ever before and will have the resources to enable them to provide a high level of technical services.

13.4 Regional governments have been formed or are in the process of formation in Ottawa-Carleton, the Niagara Peninsula, the County of York and the District of Muskoka. Other similar units will follow in due course.

Local Municipal Government

13.5 The existing municipalities, in some cases consolidated to form more effective units, will continue to provide many local services. The smaller municipal unit is in closer contact with the public it serves and, therefore, may well react more sensitively to local community needs and desires.

Exercise of Preservation Functions

13.6 Municipal initiative and activity is a vital element in the preservation programme outlined in this study and it is considered that both regional and local municipalities have some claim to fulfil the functions outlined.

13.7 The regional municipalities should, in future, have adequate resources to establish and maintain a professional technical unit to organize and administer a preservation programme. There is also the advantage to be gained from a consistent approach to historic preservation over a large area.

13.8 Full public participation is essential if the preservation programme is to be a success and, in this respect, the local municipality is likely to have an advantage over the regional unit. Larger urban municipalities may also be capable of providing a technical organization equal to that of the regional governments.

13.9 On balance it is felt that the importance of public involvement probably outweighs the other factors and that, where the local municipality wishes to assume the responsibility for the preservation programme, it should be permitted and encouraged to do so.

13.10 In addition, it is envisaged that in some cases the regional municipality might, in cooperation and agreement with local municipalities, prepare a comprehensive historic resources plan designating buildings and defining historic districts for the whole area. Administration of the plan could be at either level of government.

13.11 It is, therefore, recommended that the municipal functions set out in this study should be exercised by

13.11.1 the local municipality or

13.11.2 the regional municipality where the local municipality has failed to act in either part of the preservation programme (i.e. designation of individual buildings or definition of historic districts) or by agreement with the local municipality or municipalities

The Historic District Advisory Committee

13.12 Chapter 11 above recommends the establishment of an advisory committee.

13.13 This is proposed because it is felt to be essential for the municipal council to have the advice of a committee which is able to co-opt voluntary technical advisors and which is able to devote the whole of its efforts to preservation activities. Historic preservation is not a function which should be relegated to an existing council committee as a subsidiary activity.

13.14 Although it is recommended in Chapter 11 that the advisory committee should be formed on the passing of a historic district zoning by-law, it is clearly desirable that such a committee should be available to

to advise council at all stages in the preparation of the historic district plan, and in listing and designating historic buildings.

13.15 Municipalities should, therefore, be encouraged to establish an advisory committee at the earliest opportunity, preferably before undertaking any preservation activity as proposed in this study.

Advisory Committee Constitution

13.16 It is considered that the advisory committee should consist of a number of council members and at least three coopted non-voting citizen members. The coopted members should preferably be persons with a demonstrated interest in, and knowledge of, the history and architecture of the municipality. They should include a member of the planning board (if the board is not represented among the council members) and might also include a member of the Ontario Association of Architects and of the local historical society.

Advisory Board Alternative

13.17 The alternative administrative arrangement of an independent advisory board appointed by council has been investigated. It is felt, however, that this approach should not be followed primarily because the Provincial Government is, as already mentioned in this study, committed to the principle of delegating as much responsibility as possible to politically responsible bodies at the local level. This arrangement also appears to be less advantageous than the committee system for other reasons indicated below.

13.18 It is extremely important that the municipalities as the initiators of preservation activity are fully involved.

in and committed to the preservation programme. The existence of an advisory board could reduce council involvement.

13.19 It is possible that the existence of an independent board could tempt a municipality to evade its responsibilities, and at the worst there could be damaging open conflict between the board and the municipality.

13.20 Although it is recognized that these and other problems need not arise there is generally, at both the municipal and provincial level, developing preference for the committee system.

13.21 The establishment of an advisory board is, therefore, not favoured and is not recommended in this study.

THE PROVINCE

13.22 The present activities of the provincial government in the preservation field are outlined in chapter 8 of this study. The adoption of the proposed preservation programme would impose on the provincial government a number of new administrative and advisory responsibilities.

13.25 The Ontario Heritage Foundation is currently the province's chief proponent of historic building preservation. Despite its very small permanent staff and limited budget the foundation has performed its task creditably.

13.24 The objectives of the Foundation are set out in section 8.16 above and it may be seen that the chief function to date has been acceptance of historic property

on behalf of the province. To a limited extent, however, the foundation has been able to provide an advisory service and also some financial assistance in the form of small grants.

13.25 The Minister of Tourism and Information under the Archeological and Historic Sites Protection Act has designated a number of buildings and sites in the province. These sites are, to a degree, protected under the Act and are identified by the erection of plaques.

13.26 The Department of Tourism and Information has also been involved, through the Archives Branch, in the preparation of the provincial inventory.

ONTARIO HERITAGE FOUNDATION ROLE

13.27 The foundation's present status as a non-departmental agency (although reporting to the Minister of Tourism and Information) under a board of directors is felt to be a factor of great value in its ability to attract gifts of property and in fund raising.

No Administrative Functions proposed for the Foundation

13.28 Primarily because it is felt that this special, and valuable, status should not be damaged it is proposed that the foundation should not undertake any of the administrative or specific advisory functions proposed in this programme.

13.29 It is further considered that the present organization of the foundation, and particularly its operation under a board of largely part-time directors, would require drastic change to enable it to undertake such functions. It seems clear that in order to accept the administrative responsibilities proposed the Foundation would necessarily become an integral part of a department of government.

13.30 It is believed that the members of the Foundation recognize the value of its present status and would not wish to see it expanded to include administrative responsibilities set out in this study. the

Expansion of Present Functions

13.31 The foundation nevertheless should have an important role to play through an expansion of its present functions in particular acquisition of property, administration of the provincial loan and grant system and general advisory and information activity.

Acquisition of Property

13.32 It is suggested that the Foundation should consider taking positive steps to acquire outstanding properties in accordance with a long term acquisition plan and without waiting for such properties to be offered.

13.33 The Foundation should be consulted when a provincially listed building is threatened with demolition. In such circumstances it should be the foundation that advises whether or not the province should purchase, enter into an agreement to compensate or raise no objection to the demolition. As the funding agency the Foundation's advice would paramount.

Loans and Grants

13.34 The Foundation should administer a greatly expanded provincial loans and grants programme. The aim of such a programme should be the early preventive maintenance of provincially listed buildings. Even limited amounts of money carefully utilized in such a programme could avoid later acquisition and major maintenance costs by encouraging investment by private owners.

General Advisory and Informational Role

13.35 It is considered that the Foundation is the ideal agency to develop a publicity and information programme with the object of educating the public in the cultural, social and economic value of historic preservation. Similarly the Foundation's present advisory role should be continued and expanded in cooperation with government general departments involved in the preservation programme.

13.36 In particular it is suggested that the foundation might play an important role in advising private foundations on methods of raising and administering "revolving funds" following the successful United States pattern. Such advice might be supported by financial assistance through the grants programme.

Budgetary Provision

13.37 It is apparent that the expanded role outlined above can only be accomplished by the foundation if it obtains a much increased budget. Not only will funds be required for acquisition and grants but operating expenses also will increase particularly with the appointment of additional staff.

Further Study by Foundation

13.38 It is suggested that, should the recommendations of this study be accepted, the Foundation be requested to investigate what organizational changes and financial provision will be required to effectively fulfil the proposed role outlined above.

DEPARTMENTAL RESPONSIBILITIES

13.39 The need for historic preservation activities generally and, in particular, historic district designation, to be a part of the overall planning process has been emphasized throughout this study.

13.40 The proposal contained in chapters 10 and 11 make specific provision for the preservation programme to be fully integrated with the planning process.

Department of Municipal Affairs

13.41 It is felt to be essential, therefore, that the administrative and technical services required to fulfil the provincial responsibilities proposed in this study should be provided within the department of government responsible for community planning, namely the Department of Municipal Affairs.

13.42 Any alternative arrangement, with these services provided by another department, would require a degree of liaison and coordination of activities which is difficult, if not impossible, to achieve. It is thought that the results of such an arrangement would be substantial weakening of the programme.

13.43 For the purpose of this part of the study it is, therefore, assumed that the Department of Municipal Affairs will carry out the administrative and advisory functions identified as being a provincial responsibility. However, if this recommendation is not accepted, the following proposal would be applicable, with minor changes, to another department fulfilling the same role.

The Minister

13.44 Following from the above assumption all references in this study to the Minister should be taken as being to the Minister of Municipal Affairs.

13.45 The Minister of Municipal Affairs is vested with the authority to approve official plans and Official Plan amendments under section 11.16 and 12.13 of this study will be subject to the approval procedures currently defined in The Planning Act.

Appeal Procedures

13.46 It is proposed that the Minister should be empowered to decide appeals under the designation (section 10.30) and Historic District Zoning By-law procedures (section 11.28).

13.47 The intent of this proposal is

13.47.1 to ensure that the already overloaded Ontario Municipal Board is not encumbered with an additional work load of a specialized nature. In addition, it is felt that the Board in its present form is less able than the Minister to draw on the expert technical advice which exists, or could be provided, within the government service.

- 13.47.2 to provide, through a written representations procedure, rapid processing and decision making on appeals while fully maintaining the rights of the appellant, the owner and the public.

Technical Unit

13.48 It is considered that the majority of the administrative and advisory functions of the provincial government proposed in this study, should be carried out by a small specialist technical unit within the Community Planning Branch of the Department of Municipal Affairs. The unit staff should include an architect, preferably experienced in preservation work and a community planner.

13.49 The unit should establish and maintain close liaison with the Ontario Heritage Foundation and other departments of government concerned with preservation activities.

Advisory Functions

13.50 In the advisory role the technical unit should be concerned primarily with providing assistance and information to municipalities. The unit's specific tasks would be:

- 13.50.1 preparation of the provincial list (with assistance from the Ontario Heritage Foundation and the Department of Tourism and Information) and dealing with representations, publication etc. (section 10.9)
- 13.50.2 preparation of criteria and standards and advising municipalities on local listing (section 10.17)

- 13.50.3 consulting with municipalities, the Ontario Heritage Foundation and other bodies where a provincially listed building is threatened with demolition (section 10.23)
- 13.50.4 preparation of criteria and standards and advising municipalities on historic district designation (section 11.14)
- 13.50.5 advice to municipalities on the preparation of historic district plans and subsequent official plan amendments (section 11.5 to 11.16)

Administrative Functions

- 13.51 The administrative functions of the unit would be:
 - 13.51.1 processing and formulating recommendations to the Minister on applications under the provincial designation procedure (section 10.23)
 - 13.51.2 processing and formulating recommendations to the Minister on appeals under the municipal designation procedures (section 10.30 and 10.32) or under the historic district zoning (sections 11.28 to 11.32)
 - 13.51.3 processing and formulating recommendations (in conjunction with the Official Plans Section of the Community Planning Branch) on official plans and amendments incorporating policies for historic districts (section 11.16) or for the transfer of development rights (section 12.13)
- 13.52 It is recommended that:
 - 13.52.1 the responsibilities proposed in chapters 10, 11 and 12 of this study to be assigned to

"the Minister" be assumed by the Minister of Municipal Affairs.

- 13.52.2 the Department of Municipal Affairs assume responsibility for all provincial administrative and advisory functions under the procedures proposed in this study with the exception of those indicated in section 13.60 below.
- 13.52.3 a technical unit be set up within the Community Planning Branch of the Department of Municipal Affairs to discharge the functions assumed under 13.52.2 above.

Residual Provincial Functions

13.53 Three remaining recommendations of the study require provincial involvement. In each case the province has previously been involved in similar activity through the Department of Tourism and Information.

Plaques and Publications

13.54 Section 10.13 of the study recommends that provincially listed buildings should be identified by plaques erected on site and should be the subject of informative publications and other publicity. The importance of these activities should not be underestimated.

13.55 The Department of Tourism and Information through its historic sites programme and the activities of the Public Records and Archives Branch has long and valuable experience of both of these activities.

13.56 There appears to be no good reason why these functions should not remain within the Department of Tourism and Information particularly as both have clear relationship to the promotion of tourism. a

Completion of Inventories

13.57 The provincial inventory prepared by Professor Wm. Goulding was commissioned by the Department of Tourism and Information. This study recommends that the inventory should be completed and revised if necessary and it appears logical that this task should remain with the same department. the direction of

13.58 It is also suggested in this study that assistance be made available to the Federal Historic Sites Branch for completion of the Canadian Inventory. This assistance, whether financial or by provision of survey teams, could also be made available through the Department of Tourism and Information.

Recording of Listed Buildings

13.59 Finally, the recording of listed buildings (suggested in 10.13) is a logical extension of the preparation of the inventories mentioned above from which much material may already be available.

13.60 It is recommended that

 The Department of Tourism and Information assume responsibility for plaquing, publications, recording of buildings and preparation of inventories as set out in this study.

14. SUMMARY OF MAJOR RECOMMENDATIONS

14.1 It is recommended that:

Inventories

10.5.1 The provision of assistance to the federal Historic Sites Branch in the preparation of the national inventory be investigated. Such assistance to be by provision of additional teams (possibly student employees) for survey work.

10.5.2 The provincial inventory commissioned by the Department of Tourism and Information be reviewed and resources made available for its immediate completion, revision and/or expansion as necessary.

Provincial Listing

10.14.1 Buildings selected from the provincial or national inventories be listed by the provincial government as being of outstanding national or provincial importance.

10.14.2 Adequate procedures be initiated for the notification of owners, the public and municipal governments of the listing.

10.14.3 Adequate procedures be initiated to enable owners members of the public and municipalities to make representations to the Minister before listing becomes final.

Municipal Listing

- 10.20.1 Legislation be enacted enabling municipalities to prepare a list of buildings of local importance subject to the same procedures as under 10.14 above and guided by criteria laid down by the provincial government.

Designation

- 10.57.1 legislation be enacted enabling the Minister to designate for protection buildings included in the provincial list
- 10.57.2 legislation should require owners of designated buildings to obtain the authorization of the Minister before carrying out any works of alteration or demolition
- 10.57.3 legislation be enacted enabling municipalities to designate by by-law buildings listed as being of outstanding local importance and with the agreement of the Minister, buildings included in the provincial list
- 10.57.4 legislation should provide that the designating by-law shall require owners of listed buildings to obtain the authorization of the municipal council, before carrying out any works of alteration or demolition
- 10.57.4 legislation should provide for appeal procedures, acquisition of property and payment of compensation where appropriate

Historic District Designation and Zoning

- 11.37.1 An amendment to The Planning Act be enacted authorizing municipalities to impose Historic District Zoning subject to prior adoption of appropriate policies as part of the Official Plan of the municipality.
- 11.37.2 Legislation should provide that in a Historic District no structure shall be erected, and no existing building shall be demolished or altered without the prior authorization of the Municipal Council.
- 11.37.3 Legislation should provide for appeal procedures.
- 11.37.4 Municipalities should be required to prepare a Historic District Plan as the basis for the Official Plan amendment required by 11.37.1 above, and recommended to establish an Historic District Advisory Committee.

Tax Relief

- 12.10 Tax relief measures not be adopted as a means of encouraging preservation activity.

Transfer of Development Rights

- 12.17.1 Municipalities be enabled by legislation to enter into an agreement with the owner of a designated building for the transfer of unused development rights to a specified site. Such agreement to be a prerequisite to rezoning to implement the transfer.

- 12.17.2 Municipalities be required, prior to entering into such an agreement, to adopt appropriate guiding policies as part of the official plan.

Administration - Municipal

- 13.11 The municipal functions set out in this study should be exercised by
- 13.11.1 the local municipality or
- 13.11.2 the regional municipality where the local municipality has failed to act in either part of the preservation programme (i.e. designation of individual buildings or definition of historic districts) or by agreement with the local municipality or municipalities

Administration - Provincial

- 13.52.1 the responsibilities proposed in chapters 10, 11 and 12 of this study to be assigned to "the Minister" be assumed by the Minister of Municipal Affairs.
- 13.52.2 The Department of Municipal Affairs assume responsibility for all provincial administrative and advisory functions under the procedures proposed in this study with the exception of those indicated in section 13.60 below.
- 13.52.3 a technical unit be set be set up within the Community Planning Branch of the Department of Municipal Affairs to discharge the functions assumed under 13.52.2 above.

13.60

The Department of Tourism and Information assume responsibility for plaquing, publications, recording of buildings and preparation of inventories as set out in this study.

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